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In This Issue

"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has."

— Margaret Mead

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In this issue of

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president's note

From the President

By Stephanie A. Scharf

Spring is the time when the National Association of Women Lawyers has traditionally rolled out new programs and initiatives. In March 2004, we inaugurated our "*Take Charge of Your Career*®" program series, which has so far been held in Washington, D.C., New York and Miami and is scheduled for Atlanta in May and Chicago in Fall 2005.

This Spring repeats the tradition by bringing a plethora of new activities. In April, NAWL inaugurated a program targeted to women law students, *Transitions: From Backpack to Briefcase*.® The program was held in Chicago and New York City with outstanding panels of practicing lawyers and enthusiastic audiences of third year law students. Details are on the NAWL website but one oft-repeated message was, "invest in yourself"—your training, your networks, your mentors and your client relationships. Sound advice for all women lawyers, however junior or senior we might be.

Another initiative rolling out in late spring is NAWL's Legal Specialists Board, to provide a public resource on laws with a special impact on women. The Board will consist of lawyers who are deeply knowledgeable about the state of the law on a given issue, and can provide background information to legislators, policymakers and the media. (The Board will not provide legal advice or policy recommendations.) The areas of law covered by the Board include Women and the Workplace; Women and the Criminal Justice System; Women and Health Care; Women and Education; Family Law; Women in the Military; Women and Finances; and Women and Retirement. The NAWL Committee forming the Board is seeking volunteer experts on specific subject areas. If you or someone you know has experience in one of these subject areas and an interest in becoming an information resource for legislators, the media and policymakers, please contact NAWL at www.nawl.org.

Equally exciting is the newly formed Committee for the Evaluation of Supreme Court Nominees, which will assess candidates nominated by the President for a seat on the U.S. Supreme Court. The first phase of Committee work will be to decide on the standards and procedures it will use to conduct an evaluation, and that phase is expected to be completed before June.

Looking ahead to summer, let me encourage you to join NAWL on August 5 in Chicago for the Annual Award lunch, held in conjunction with NAWL's annual meeting and the annual meeting of the American Bar Association. This year, the *Arabella Babb Mansfield Award* will be given to Judge Ann Williams, who sits on the United States Court of Appeals for the Seventh Circuit. Judge Williams is an outstanding role model and mentor and we are delighted to honor her.

One of NAWL's greatest strengths is its responsiveness at the grassroots level. If you have a project or initiative for enhancing the role of women in the profession or women's rights, please do contact us and we would like to help you bring it to fruition — whatever the season of the year!

Warmest regards,

Stephanie A. Scharf
NAWL President 2004-2005
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Nawl's International Activism

By Eva Herzer
Chair, International Law Committee

While most national, state and local bar associations do not get involved in international human rights issues, NAWL has not shied away from actively supporting women's rights around the globe. NAWL has representatives to international legal organizations such as the International Federation Des Femmes Des Carriers Juridic and the International Bar Association. Very importantly, NAWL has institutionalized its international involvement by creating within the organization an International Law Committee and obtaining NGO accreditation with the United Nations. Each year, NAWL appoints a United Nations Observer, whose role it is to keep the organization abreast of developments in the area of women's international rights and to provide NAWL input to the United Nations, where appropriate. This NGO accreditation provides members with invaluable and often very exciting opportunities to access international women's rights proceedings. For example, in 1995, I had the privilege of representing NAWL at the United Nations Fourth World Conference on Women In Beijing, where among other activities, I assisted a group of nine Tibetan women from around the world to expose China's human rights violations in Tibet to the United Nations and the international women's community. China's repressive response, which included physical assaults on members of our delegation, including myself, taught me valuable lessons about the reality of totalitarian states and the relationship between law and power politics. I have also learned much from attending four yearly meetings of the United Nations Commission on the Status of Women and meetings of the Committee on the Elimination of all Forms of Discrimination against Women. While that Committee reviewed China's periodic report on women's status, I presented a NAWL sponsored "shadow report" on the condition of women in Tibet. Such reports, by providing factual information of the real condition of women on the ground, assist the Committee to ask critical questions of the reporting state. This is essential because state reports are often rather self-congratulatory and fail to omit areas in which women suffer discrimination.

NAWL's International Law Committee seeks to hold the United States government accountable on issues which affect women internationally and seeks to further the development of international law strengthening women's rights. Thus, the Committee has repeatedly urged the United States to take action to prevent trafficking of women, and, for example, last year, urged corrective action of the military, where the conduct of our soldiers abroad appeared to contribute to this heinous crime. We successfully urged the United States Agency for International Development to direct aid to women who were raped in the recent Liberian conflict. In 2004, we urged the US Congress to develop a "Marshall Plan" for Afghanistan and allocate specific and substantial funds for women's programs. We also have repeatedly urged the United States, unsuccessfully so far, to ratify the United Nation's Women's Convention and to join the newly created International Criminal Court.

The Committee also assists women in other countries to obtain justice within their own states. These international support campaigns are often successful in bringing about critical changes that women, isolated in their own countries, were unable to bring about without international support. In the last year, for example, we engaged in the following campaigns:

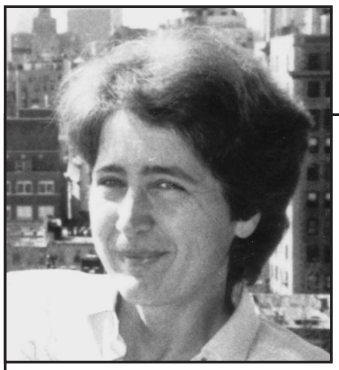
We successfully worked on several campaigns to acquit three Nigerian women who had been sentenced to death by stoning for bearing a child out of wedlock (while no action was taken against the men involved). We helped to secure the release of several Tibetan nuns who had been imprisoned for advocating Tibetan independence and later had their sentences increased for singing freedom songs in prison. We wrote to 29 African Nations to urge them to ratify the new Protocol on Women's Rights, which is a

supplementary protocol to the African Charter of Human Rights. This protocol, brought about by African women, will help African women to claim their human rights (for example freedom from bodily interference such as female genital mutilation) in the face of local arguments that their claims contravene cultural practices or are influenced by Western values.

In years past, we have supported women in Africa to criminalize Female Genital Mutilation. We have helped women in Nepal to decriminalize abortion. We have supported women in a number of countries calling for voting rights laws for women and for reform of land ownership and inheritance laws, which in many counties traditionally deprive women of land ownership.

Lest I convey the wrong impression, in all of these actions, NAWL is but one of many actors and our role is often small. All members of the International Law Committee work on a voluntary basis and have significant professional and family commitments. To maximize the effects of our efforts, we join campaigns of organizations such as Equality Now, the Feminist Majority, Amnesty International, Oxfem and other human rights organizations to combine our voices with those of women all around the world. In fact, this "collective international women's voice", which has emerged in the past two decades as a result of effective networking and advanced communications technology, has become a major force of change for women lives. Where women once had no choice but to tolerate oppressive laws and practices condoned by their dominant patriarchal cultures, today their powers to be find themselves faced the watchful eyes of women from countries near and far. Their vigilance and lobbying efforts in support of local women's demands for equality and justice strengthen the hands of progressive forces within the country and put governments in the position to be shamed or live up to international standards. This often tips the scale on issues that appeared intractable for decades. NAWL's contribution to these efforts often is an analysis under international law and a request to governments that they abide by international norms to which they are bound by ratifying United Nations conventions. While I have written such letters over the years in my personal capacity, I have found that a letter on NAWL letterhead is much more likely to catch the attention of government officials, as measured by the written responses we receive. The fact that we are writing as lawyers and as an association of practicing attorneys, legal academics and jurists gives our letters often more weight and credibility. I find it very exciting that in today's world, with relatively little effort, we as lawyers in the United States can utilize our privilege to assist women who suffer grave human rights violations day in and day out. Unfortunately, much work remains to be done.

The International Law Committee is always open to new members and suggestions for issues to pursue. The Committee provides members a unique opportunity to amplify their own voices on issues of equality and justice for women. As Chair of the Committee I would like to particularly thank Stephanie Masker, Alexa Gilroy and Judge Joan Lefkow for their contributions in the past year.



Eva Herzer is a mediator and attorney in private practice in Kensington and Berkeley, California. She mediates family, personal injury, real estate, business, and inheritance disputes. Ms. Herzer has nine years of previous experience behind her in negotiating and litigating dissolution, custody, support, domestic violence and elder abuse cases.

She has performed extensive pro bono work, having served as a mediator for the Berkeley Dispute Resolution Service Contra Costa Conflict Resolution Panels, the Contra Costa Superior Court, and the Contra Costa Bar Association. She is the founding member and past President of the Tiber Justice Center, where she has provided technical assistance to Tibetans, engaged in United Nations advocacy, legal research, and public education.

Eva Herzer currently serves as the chair of NAWL's International Law Committee and as NAWL United Nations Observer.

If Women Ran The World...

By Hon. Delissa A. Ridgway
Co-Chair, International Law Committee

More than a decade ago, in 1992-93 – "The Year of the Woman" – *Life* magazine's big cover story was captioned "If Women Ran The World . . ." The opening volley: "If women ran the world, there would be no war . . . just some pretty tense skirmishes every 28 days." (That quip, of course, was reminiscent of Gloria Steinem's great essay, "If Men Could Menstruate." She predicted that they'd brag about "how long and how much.")

The day when women run the world may not yet be on the horizon. But women everywhere have a vital stake in the development of a global society. And they bring a unique perspective, an important voice, and special skills and talents to the agenda of world affairs.

There is a saying that "Those who know only one country, know no country." International travel teaches us much about this country, and how very fortunate we are. In Nairobi in 1998, I participated in a workshop for rural women. Some of them had journeyed for more than a day on a rickety bus, just to meet "the American judge." I will never forget one woman who wept as she told of moving her 12 year-old daughter from village to village, in a futile attempt to hide her from her husband – the girl's father. The woman's husband and his family insisted that the girl would not be marriageable if she was not cut. In Africa alone, more than 130 million women and girls have suffered some form of female genital mutilation.

In countries like India, South Korea, and China, the abortion of female fetuses has become almost routine, because ultrasound technology is now so widely available. India passed a law in 1994, banning sex-determination testing. But the law is rarely enforced. And there is a strong cultural preference for sons, to carry the family name and inherit ancestral property. Demographers say that there are already literally tens of millions of "missing" women in Asia.

And who can forget the Taliban? In its five years in power in Afghanistan, the fundamentalist Taliban reduced women to chattel. Taliban edicts required all women to be veiled from head to toe in public. The punishment for a *first* violation was 29 lashes. Women were not permitted to leave their homes without a male relative, and were beaten if they were caught speaking to men outside their family. They were also denied education and proper health care, because they could not be examined by male doctors – and women physicians were not allowed to practice. Indeed, women – even widows – were almost completely banned from holding jobs. Dying from starvation simply ensured that women would "go to God" earlier, according to the Taliban.

Of course, Afghanistan has seen progress in recent years. This January, Afghanistan's President, Hamid Karzai appointed three women to his 27-member Cabinet – the Minister of Women's Affairs, the Minister of Martyrs and Disabled, and the Minister of Youth Affairs. And in early March, he appointed the country's first female provincial Governor. But Taliban insurgents and warlords still control much of the countryside, so many women still live in constant intimidation and fear. Moreover, according to the U.N., "years of discrimination and poverty have relegated Afghan women to some of the worst social [conditions] in the world," citing poverty, violence, inadequate health care, exclusion from public life, rape, illiteracy, and forced marriage. As a result, this year's U.N. Gender Development index ranks Afghanistan above only two countries in the world – Niger and Burkina Faso.

Iraq is another case of "glass half full"/"glass half empty." The ink-stained thumbs of Iraqi women in recent elections was a welcome sight. But, according to a recent report in *The Economist*, the lot of most Iraqi women has actually worsened dramatically since the war. In the cities, the rise of Islamic fundamentalists has made women afraid to go out alone, and has led many to

"take the veil" – "out of fear as much as conviction."

Women in the U.S. may not have the Equal Rights Amendment. But, by the yardstick of the Taliban, all in all, they've got it pretty good. By other measures, though, there is still much to be done – even here at home. And American women can learn a lot from their sisters abroad.

Scandinavia is apparently "the place to be." Every year, the U.N. Development Programme ranks 177 countries around the world. Tops on their "Gender Empowerment" index is Norway (at #l), with Sweden, Denmark, Finland, and the Netherlands hard on its heels. Those countries are followed by Iceland, Belgium, Australia, Germany, Canada, New Zealand, Switzerland, and Austria. The U.S. comes in at #14 – with Spain, Ireland, the Bahamas, the U.K., Costa Rica, and Singapore rounding out the "Top 20." (And, by the way, the U.S. is rapidly losing ground. In 1995, the U.S. was ranked #5 for women!)

One of the main reasons that the Nordic countries top the Gender Empowerment index is that women there benefit from rights and social programs like nowhere else on the planet. The U.S. offers new mothers no guaranteed paid maternity leave, which – according to a 2004 study released by Harvard – puts the country on par with Lesotho, Papua New Guinea, and Swaziland. (Australia is the only other industrialized nation that offers no paid maternity leave; but it at least offers 12 months of unpaid leave.) In contrast, the Nordic countries – by law – provide maternity leave of about a year, when women are paid 80% of their salary. All provide comprehensive day care for all young children. Moreover, fathers there are entitled to take – and, in fact, *encouraged* to take – at least one month's paid paternity leave after the birth of a child. Roughly half of all Swedish fathers actually do it. Talk about "family values"!

Sweden, Norway, Denmark, Finland and Iceland were also among the first countries in the world to give women the vote. (Here at home, humorist Dave Barry quips that it was the 19th Amendment that gave U.S. women the right to vote . . . *for men.*) Today, women hold a whopping 45% of the seats in the Swedish Parliament. Indeed, of the "Top 10" countries on the Gender Empowerment index, *half* have legislatures that are more than 35% women; *80%* have legislatures that are more than 30% women; and *all but one* of the "Top 10" have legislatures that are more than 27% women. Of the countries ranked in the "Top 10" on the Gender Empowerment index, Canada (ranked #10 in the "Top 10") has the lowest percentage of women legislators – and Canada has 24% women.

Women in the U.S. are rightfully proud of their all-time high of 14 women in the Senate and 66 women in the House. But, at about 15%, the U.S. doesn't even make the *top 20 worldwide*! Not even close.

Finland has had a female President since 2000. She follows in the footsteps of Iceland's former President, who was elected in 1980, the co-founder of a remarkable organization called the "Council of Women World Leaders," and the first woman in the world to be elected to the highest public office of a country with universal suffrage. She served for 16 years as head of state, and reported that she was often asked by young boys whether someday *they* might grow up to be President. Other countries where women have been elected President include Argentina (1974), Bolivia (1979), Mexico (1982), the Philippines (1986 *and* 2001 – two different women), Ireland (1990 *and* 1997 – two different women), Sri Lanka (1994), Latvia (1999), Panama (1999), and Indonesia (2001). (Note that the list includes a predominantly Muslim country – Indonesia – as well as a number of "macho" Latin countries. So much for stereotypes, eh?)

Of course, comparing the status of women in one country to the status of women in another is just one part of the story. What about the status of women versus men? *That* part of the story is the same the world over. Even in Scandinavia, women still earn less than men for the same work. Like women here, women there are grossly *under-represented* at the top of the business world. And they are way *over-represented* in part-time jobs. They too struggle with the "double shift" – pursuing their careers by day, while managing the family's social calendar and making a home by night. Working mothers in Scandinavia average 16 hours of housework each week, compared to five for fathers.

Another example. While women make up the majority of the judiciary in the formerly Communist countries, that's an historical anachronism. Being a judge was a very *low prestige*, *low paying* job in the Communist system – so (predictably) that's

where many women lawyers ended up. Male lawyers had all the good jobs, working for state-owned enterprises. When I was in the Russian Far East five years ago, some of the women judges there were telling me about their experiences. They laughed and told me that – now that the judiciary has become more prestigious in Russia – a man had joined their historically all-female bench. And, within a year, *he* had been appointed the Chief Judge.

Deborah Tannen – the leading U.S. authority on male/female communication, and the author of best-sellers including *You Just Don't Understand: Women and Men in Conversation* and *Talking from 9 to 5: Women and Men at Work* – has talked about how she got into her specialty. She actually began her career by researching cross-cultural communication in the traditional sense (the difference between Americans and the Japanese, for example). But when she began to "control" her data for gender, the figures just popped out at her. It was an epiphany. As she puts it, "Women around the world have more in common with one another than they do with the men who share their beds." Male/female is the ultimate in cross-cultural relationships.

One of the most striking things about the U.N. Gender Empowerment index (discussed above) is that it confirms what women intuitively know: There is a clear, strong correlation between the number of women in high public office and the status of women generally in a country. In short, it is a universal truth – Here at home, and around the world, women benefit when women hold public office.

Judge Patricia Wald – former Chief Judge of the U.S. Court of Appeals for the D.C. Circuit (and the first woman in the country ever to serve as Chief Judge of a federal appellate court), a former judge on the International Criminal Tribunal for the Former Yugoslavia, and the sole woman on the President's Iraq Intelligence Commission – has written eloquently on the difference that women judges make. And the book that gave birth to the Council of Women World Leaders – *Women World Leaders*: *Fifteen Great Politicians Tell Their Stories* – treats the topic vis-a-vis women as heads of state. But the greatest body of research is on women in legislative bodies. That research proves that, indeed, women do handle public office differently – in at least three ways. First, they bring new and different issues to the table. Second, they have a different "take" on procedure. (Long "outsiders" themselves, they believe strongly in transparency and access, and they generally want to hear more perspectives before making a decision.) And, third, at least on some issues, women legislators vote differently. They have different priorities.

Five years ago, Eleanor Clift – *Newsweek* contributor, and a regular on NBC's "The McLaughlin Group" – co-authored a book with her husband. *Madam President*, updated just last year, takes a look at the past, present and future of U.S. women in politics. The book quotes Christie Todd Whitman (former Governor of New Jersey, then head of the EPA), who said that men and women govern differently because of their different life experiences. Whitman said: "If you give a woman a choice between capital construction for a bridge or for a halfway house for troubled teenagers, we'll go for the halfway house first. That's not because we don't understand the importance of infrastructure – but we tend to focus on the human side first."

Any woman could probably reel off a dozen anecdotes to illustrate that phenomenon. But one that made headlines was former Attorney General Janet Reno's handling of the Elian Gonzales case. Not that the Attorney General didn't appreciate the foreign affairs implications of the case. Clearly she did. And, throughout, she made it clear that the rule of law would control. But it was plain – from start to finish – that she never forgot that, ultimately, what the case was really about was a *little boy*. She never wavered in her focus on the human side first.

Whatever your opinion of Harvard President Larry Summers, there was at least some truth at the core of his unfortunate off-the-cuff remarks about women and science. The latest neurological research backs up the idea that women and men do, indeed, think differently. Women's brains are wired completely differently. When bombarded with sensory input, women have a greater capacity than men to integrate and cross-relate the verbal and visual stimuli. They do it constantly and spontaneously – even in the simplest, everyday task. As a result, their perceptions and assessments of the emotional and social components of a given situation are generally more accurate than a man's. Women also have a more open communica-

tion style, a different sensibility, and a different vocabulary. They are not only better at spoken and written language – they are also much better at recognizing faces, speech patterns, and tones of voice. Women are thus more likely to pick up on non-verbal cues.

In addition, women also are better at power-sharing. They tend to see more options, and so are better at shaping win/win outcomes. And women are less likely to see power as a zero-sum game, and more adept at face-saving gestures. They typically find it a lot easier to apologize, while men tend to view saying "I'm sorry" as – in the words of Deborah Tannen – something akin to gladiatorial defeat.

All of these characteristics not only serve women well in public service generally – they also make women particularly well-suited for cross-cultural work: foreign affairs, diplomacy, international law, and international business. Indeed, the white-male dominated workplace and the legal profession in this country *are* cross-cultural experiences for women.

In recent years, women in the U.S. have been graced with some extraordinary role models of women in foreign affairs – women who bring their unique talents and abilities to the table, and who have made a real difference in the lives of women, and men, around the world.

When I took office as President of the Women's Bar Association ("WBA") in D.C. in 1992, the WBA celebrated its 75th Anniversary by honoring five women, including both Judge Wald and former Congresswoman Pat Schroeder – the longest serving woman in Congress, and the so-called "first skirt" on the House Armed Services Committee. The Chairman of that Committee was so displeased by her presence that he forced her to share a single chair with Ron Dellums, a black Representative on the Committee. The Chairman publicly stated that "women and blacks [were] worth only half of one 'regular' member," and so deserved to share a chair in the committee room. The media ran with Schroeder's retort – that the Chairman didn't think that "anyone with a uterus could make a decision on military affairs." Then she led a revolt that ousted him from that seat.

Congresswoman Schroeder could always be counted on to be a sane voice on military spending; she opposed nerve gas; and she sponsored the Military Family Act (which provided additional funds for military dependents). Remember her take on Congress' response to the Tailhook scandal? "We've got an awful lot of members who don't understand that harass is one word, and not two." And, accused once by her colleagues on the Armed Services Committee of using her feminine wiles to win votes, she shot back: "Can I help it if I have a uterus?" (That, by the way, is the only recorded case to date of "uterus envy" in Congress.)

Another high profile woman who has embraced a global women's agenda is the junior Senator from New York and former First Lady of the U.S., Hillary Rodham Clinton. (To make the point on a micro-cosmic level, think about it: Can you name any *white male* who has chosen an *African proverb about families* as the title of his book?) In the Senate, she has championed causes including universal access to family planning resources, combating international trafficking in women, and enhancing the international economic empowerment of women (through expanded microcredit, and other means).

But our first female Secretary of State – Madeleine Albright – the highest female public official in U.S. history, is perhaps the most obvious example. The media obsessed over her designer suits and her brooches. No doubt about it: She was a very stylish, feminine presence in a world of gray suits. She cultivated the Chairman of the Senate Foreign Relations Committee – Jesse Helms – and was photographed holding hands with him, and whispering in his ear. (Hey, whatever it takes . . .) And talk about a different vocabulary! Very early in her tenure as Secretary of State, NPR's "All Things Considered" did a segment on Secretary Albright's "parental tone" in diplomatic talks – how she used terms like "time out," "hard choices," and "little steps" and "big steps."

Secretary Albright would probably be the first to admit that a lot of diplomacy is not that far removed from the sandbox (though she would say it much more diplomatically). In any event, the child psychologist that Linda Wertheimer interviewed for the NPR segment made the point that the use of that kind of language is very powerful. And it works in diplomacy for the same reason that it works in the sandbox: Those are words that we use to keep people from feeling shut out, or angry, or resistant. Those are

words that we use to say, "Hey, we're all in this together." And "We can't go on this way. We need to learn from this."

Just by being who she is and holding the post that she held, Secretary Albright has been a trailblazer and a role model for women. And she wielded her considerable power for women as well. She put gender issues on the global agenda, and raised their profile. And she had no patience for those who tried to explain away dowry murders, honor killings and "female circumcision" by arguing that they must be viewed in their social context. She blasted that such practices are "not *cultural*, but *criminal*" – and insisted that they must stop.

Now, of course, the U.S. boasts its *second* woman Secretary of State – and the first woman of color to hold the post. And, although she is still relatively new in office, she has already shown a sensitivity to issues of gender. In her remarks on International Women's Day, for example, Secretary Rice alluded to recent events in Afghanistan, Iraq, and "the future Palestine," pledging to help "create opportunities for all Muslim women to participate fully in the lives of their countries."

Women around the globe bear disproportionately the burdens of poverty, domestic violence, illiteracy, and disease. Perhaps that is why organizations like NAWL care so passionately about international law and foreign affairs. What can we do? We must continue to press our national leaders to take action to protect and empower all the women of the world:

Ratify the U.N. Convention on Women. In a recent essay published in *Newsweek*, Anna Quindlen posed a question in honor of Women's History Month: What does the U.S. have in common with Brunei, Somalia, Sudan, and Oman? The answer: The U.S. is among only a handful of nations on the planet that have refused to ratify the U.N. Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW"). The U.S. now stands alone as the sole industrialized country that has not done so. (Of course, as Quindlen wryly noted, "we can boast that we're right up there with Somalia.") At a time when the U.S. is negotiating record numbers of trade treaties, Congress continues to balk at ratifying a treaty that amounts to a basic "bill of rights" for women.

Repeal the "Global Gag Rule." On its first day in office, in January 2001, the Bush Administration reinstated the "Mexico City Policy" (also known as the "Global Gag Rule"), banning U.S. aid to health care providers in other countries if they even *discuss* abortion with their patients. Note here (and this is important) that the Mexico City Policy has nothing to do with the use of U.S. taxpayer funds to pay for abortions. That is not permitted in any event. What the Mexico City Policy says is that health care providers in other countries cannot use *even their own funds* for such services *if they want to receive U.S. aid.*

It is egregious enough for the U.S. Government to presume to tell women in this country what they can and cannot do with their bodies. It is unconscionable to presume to tell other nations what the women in those countries can and cannot do with theirs. So much is at stake here. Reproductive rights and economic freedom are one and the same for women. Margaret Sanger got it right: "No woman can call herself free who does not own and control her own body." Today, roughly 20 million women worldwide risk unsafe abortions every year. About 68,000 of them – mostly in poor countries – die in the process. Many others suffer grievous injury. Most of that suffering could be prevented by ensuring that women everywhere have the information and the means to choose the size and spacing of their own families.

Educate Girls *Everywhere in The World.* Of the 100 million children between the ages of 6 and 11 who are not in school, more than 70% are girls. Educating those girls is – bar none – the single best investment that the U.S. can make in the developing world. The world over, schooling girls makes economic sense. (A similar increase in schooling for boys doesn't yield the same dividends, because women are more likely than men to invest in their children's health and education – which further boosts economic growth.) Girls who have at least a primary education tend to marry later, have fewer children, and protect themselves against HIV/AIDS and other diseases. And, for each additional year that a girl is in school, her wages as an adult rise by about 15%. Female literacy is also closely linked to decreased infant mortality. Babies born to mothers who have no formal education are twice as likely to die before age five. The

bottom line: No country today can afford to squander 50% of its human capital.

The next time your travels take you to Washington, D.C., make it a point to walk by the White House. Stop and really look at all the people clustered there – the many different hues of their skin, and the polyglot of languages that they speak. Look at them all pressed up against that iron fence, grasping the bars, and peering intently through them at the White House. Why are they there? The White House – and the Capitol, and the Supreme Court – represent the United States around the world. Each of those people has a hope of something from the U.S. Government. Our country needs us. And the world is counting on us.

The WBA's 1993 Annual Dinner honored Jamie Gorelick as Woman Lawyer of the Year, and featured the new Attorney General, Janet Reno, as the keynote speaker. The crowd of more than 1800 was almost giddy over the promise of women in positions of power. The next morning, one of my law firm colleagues came to see me, to say that she had left the dinner – flush with excitement – and worked into the wee hours of the morning at her kitchen table, writing a letter to her infant daughter.

I wonder: What would she write today? "You see, Allison, some people live in slums and favellas, and others live on the hill, and that is because . . ." "It's this way, Allison – Girls who live in many parts of the world can't go to school because . . ." Or: "Look here, Allison – The reason that some parents cut their little girls is because . . ." Or would her letter say that, while the country had its first woman Attorney General in 1993, we've since had *two* women appointed as Secretary of State; and we also now have a woman Secretary of Labor, who will make sure that the clothes we wear are not the product of sweatshops or child labor?

There are some today – even women – who question the need for organizations like NAWL. But then women who thought that the battle for equality had been won suddenly discover otherwise when they bump up against the glass ceiling, or find themselves shut out by the old boys' club. It's the same the world around.

NAWL can take great pride in its record on global women's issues, and the vital work of its International Law Committee, under the leadership of Chair Eva Herzer. We have much to share with – and much to learn from – our inspiring sisters everywhere. And there is still so much to do, both here at home and abroad.

[Note: This essay is adapted from remarks delivered by Judge Ridgway upon her recognition as 2001 "Woman Lawyer of The Year," at the Annual Dinner of the Women's Bar Association of D.C. (May 22, 2001).]

The Honorable Delissa A. Ridgway currently sits on the U.S. Court of International Trade (which exercises exclusive nationwide jurisdiction over customs and international trade disputes), and serves on the Executive Committee of the National Conference of Federal Trial Judges.

Before her appointment to the Court, Judge Ridgway served in the Clinton Administration from 1994-98, as Chair of the Foreign Claims Settlement Commission of the U.S. Presiding over that three-member international tribunal, she adjudicated thousands of claims by U.S. nationals against foreign sovereigns (including property claims against Iran and Albania, and Holocaust claims against Germany).

Previously, Judge Ridgway practiced international arbitration at Shaw Pittman in Washington, D.C. An Adjunct Professor on the international law faculty of Cornell Law School, she has also taught at American University, and has served as a consultant to organizations including the U.N., the OSCE, the Council of Europe, and the U.S. Departments of State and Commerce, advising developing countries on the rule of law and international legal reform.

Currently a NAWL Observer at the United Nations, as well as a member of the American Bar Association Commission on Women, Judge Ridgway previously chaired the D.C. Bar Summit on Women in the Profession, and served as President (1992-93) of the Women's Bar Association of D.C.

Judge Ridgway's many awards include her recognition as Washington, D.C.'s "Woman Lawyer of the Year" for 2001, and her 1997 recognition by the Federal Bar Association as one of four "Distinguished Women in International Law," an honor she shared with First Lady Hillary Clinton, U.S. Secretary of State Madeleine Albright, and Singleton McAllister, General Counsel/USAID.

Practicing Law in the Arab Middle East

By KC Bradley

In this post 9/11 era, many Americans think they have some idea of what the Arab Middle East is like. For years we have seen pictures of veiled women and angry young men, and heard reports of terrorist attacks and human rights abuse. Based on the reports that dominate our news media, one would think that the Middle East is a very dangerous place to visit, let alone to live and work, especially for an American woman. Yet the reality is very, very different. I know because I spent nine years in the Middle East, working as an international finance lawyer and raising a young family during the course of three separate assignments – one year with a bank in Kuwait (1989-1990); 5 1/2 years with Clifford Chance in Bahrain (1992-1997); and two years with White & Case in Bahrain (2001-2002).

The question that I am most frequently asked about my years in the Middle East is the obvious one: What was it like to work in the Middle East as a woman? I have to confess that this question annoys me almost as much as the other obvious one: How can you do the work that you do, put in the long hours, and raise a family? Both questions imply that I had to have some superhuman capabilities to survive in my career, and, of course, they are clear evidence of the gender bias of the person posing the question, whether male or female. They are also based on a very mistaken view of what the Arab Middle East is like.

The purpose of this article is to present a different view of the Middle East – a view that is given here from the perspective of a Western white woman professional (a perspective which itself carries its own bias). It looks at the cultural differences between the Middle East and the U.S., what it is like to live and work in the Middle East as an American woman professional, and the benefits and costs of living and working there.

The Cultural Differences

Clearly, the Arab culture is different from ours. Islam dominates the Arab way of life and their view of the world, much in the same way that Christianity dominates the American way of life and our world view. In order to comprehend fully the culture of the Arab Middle East, one needs to have some understanding of Islam and the extensive influence it has on society.

The most obvious differences are evident from the moment one arrives in any of the countries constituting the Gulf Cooperation Council (GCC)[1] in the form of dress, behavior and language. Because Islam requires that one act and dress conservatively in public, the first thing that one notices is the dress. The majority of Arab men wear a long-sleeved one-piece dress that covers the whole body, called a *dishdashah* or *thoub* along with 3-piece head cover. Arab women dress in a variety of ways. The most conservative women will be covered from head to toe, including their hair and face and sometimes even their hands, when they are outside of the home or in the company of men outside of their immediate family. Others will wear only an *abayah* which covers them from the shoulders down to their feet, and they may or may not wear a head scarf, called a *hejab,* to cover their hair. Those who are less conservative may wear conservative Western clothes, with or without a *hejab*.

Islam also requires that one behave conservatively. Displays of affection between the sexes are almost non-existent, but men often walk hand-in-hand in public. I still recall arriving at the airport in Kuwait City and seeing my husband approach me. The first thing that he said to me, in warning, was, "You can't kiss or hug me here." Despite this taboo, however, one sometimes sees a husband and wife holding hands while walking through the *souk* or the shopping mall in the more liberal GCC countries.

One of the biggest cultural differences that we perceive, from our Western perspective, is in relation to the treatment of women.

Interestingly, the position of women in Islamic countries differs dramatically from one country to the next. In the more liberal countries, such as Bahrain, women have far more freedom than we realize. Although there are individual stories of abuse within families, women in these countries generally have broad access to education and careers and a number are successful in business. In Saudi Arabia, on the other hand, women have far fewer rights. They are required to cover themselves when they are outside of the house, they cannot drive automobiles, and they have more limited access to education and careers. Even in Saudi Arabia, however, you will find a liberal undercurrent. One of the most interesting sights for me was observing a Saudi family as they crossed the Causeway from Saudi Arabia to Bahrain. As soon as they passed through Saudi immigration and customs, a woman passenger got out of the car, removed her *abaya* and got behind the wheel of the car to drive the rest of the way into Bahrain. Saudi Arabia also has a number of very successful business women, although they conduct their business in inconspicuous ways.

Just as the dress of Arab women varies from country to country, town to town and family to family, the customs associated with business women varies also. Business women from families who follow a conservative form of Islam may still adhere closely to conservative Islamic values, whereas others dress and behave in business much in the same way as Western women. For example, a conservative woman will not shake hands with a man, and may wave her hand in dismissal if a Western male ignorant of her customs attempts to do so. On the other hand, there are other Arab women who freely shake hands with men, although they will not go so far as to allow a man to greet them in typical English fashion with kisses on the cheek. Men doing business in the Middle East are therefore well advised not to offer to shake the hand of an Arab woman unless she extends her hand in greeting first.

Another cultural gap, which is often missed when speaking about cultural differences between the Middle East and the U.S., is the impact of the Arabic language, the language of the Koran. As English is widely used for business purposes,[2] it is not necessary for most visitors to the GCC to learn Arabic. However, by failing to do so, we fail to appreciate the importance of poetry, passion and aesthetics in the Arab world, and therefore find it difficult to empathize with them in our business dealings and in our politics. To our ears and minds, much of what they say is vague and excessive; to their ears and minds they are speaking poetically and metaphorically. To their ears and minds, much of what we say is crude, legalistic and ugly; to our ears and minds, we are simply getting to the point.

One does not have to be in any of the GCC Countries for very long before one gets a further appreciation of the impact of Islam on the society. Muslims observe five formal prayers each day, spaced evenly throughout the day so that followers are constantly reminded of their connection to God. To be reminded of prayer, the *adhan*, a call to prayer, is broadcast from the many mosques scattered throughout a town or city. Many public buildings have prayer rooms for Muslims to pray in private, although it is not unusual to see a banker praying in his office or a laborer praying in the middle of a construction site. When my very Catholic Italian mother first heard the *adhan* on her visit to Bahrain, she asked me who was singing. When I told her it was the call to prayer, she said that Islam must be a very powerful religion if it calls its people to have a conversation with God five times a day!

Islam, as it is practiced in much of the Islamic world, is also a very tolerant religion. In fact, in many of the Gulf countries (with the notable exception of Saudi Arabia), other religions can be practiced freely. In Bahrain, for example, there is a synagogue as well as very active Catholic and Episcopal churches and schools, and there is frequent dialogue between the heads of the mosques, synagogues and churches. In fact, in a memorial that I helped to organize for the victims of 9/11, several imams participated in the service, which was attended by a number of prominent Bahrainis and other Arab Muslims.

Finally, one must understand that Islam places a very strong emphasis on ethics and expected social behaviors such as generosity, respect and solidarity. These customs and social duties infiltrate their daily lives and affect the way they handle business dealings. Of particular note, is the avoidance of confrontation and conflict and the concept of "saving face."

Dignity and respect are key aspects of the Arab culture, which encourages people to act humbly and with sensitivity to a person's dignity, especially when that person's dignity and self respect is endangered. The use of compromise, patience and self-control are means by which these qualities are maintained. Arabian culture utilizes the concept of "face" to solve conflicts, to avoid embarrassing another and to minimize another's discomfort or harm their dignity. High pressure sales tactics are therefore largely ineffective in the Arab world. They not only place the targeted customer in an uncomfortable position, but also gain for the salesperson a rather unpleasant reputation.

Navigating the Middle East Business World as a Professional American Woman

Now, back to the obvious question: What was it like to work in the Middle East as a woman? I have a confession to make. When I am asked this question by a middle age American man, I generally respond by saying that it was far easier to work with Middle Eastern men than with American men in the 1980's. When I moved to the Middle East in 1989, the term "politically correct" had not yet been coined, there were reports in the press of at least one law firm that encouraged its female summer associates to participate in wet t-shirt contests, and the only "negative" comment that I had received on a performance review was, "She puts her family before her career."

As a Western white woman, I was not held to a standard defined by gender in the Middle East. Rather, I was held to the standard of a foreigner, which required merely that I be sensitive to the culture of the region. The fact that my husband was Arabic[3] was also of great benefit as it conferred on me a degree of dignity accorded to the wives of Arab men.

So, to answer the question, it was surprisingly simple to work in the Middle East. I was good at my job and was able to build close and trusting relationships with my clients. In fact, within 15 months after starting with Clifford Chance in Bahrain, the male partner who was then managing the office turned management control over to me when he returned to London, on the basis that I had better relationships with our clients than he did.

The author shown at a reception in Bahrain with other Clifford Chance partners, an under-secretary of the Ministry of Works, Power and Water and the former Minister of Labor and Social Affairs.

Many people ask me if I had to wear an *abaya* or cover my hair. I did not, although if I had lived or worked in parts of Saudi Arabia, I would have had to wear an *abaya* on the street. In the rest of the GCC, however, conservative Western business attire is entirely appropriate. Out of respect for the culture of my host country, I ensured that my skirts were not too short and that I did not walk on the street or attend meetings with a sleeveless blouse. Other than that, I made no additional accommodation.

Most of my clients in the Middle East, consisting of men from Bahrain, Kuwait, Qatar, Oman, the U.A.E., Saudi Arabia, Pakistan, India, Sri Lanka, Japan, Europe and the U.S., actually liked dealing with a woman! They soon discovered that my softer, gentler approach was far more compatible with the Arab way of doing business than the aggressive, sometimes bullying, approach of many of the American lawyers and businessmen with whom they had had prior dealings. Intuitively, I understood the concept of "face" and was able to negotiate in a way that respected the dignity of all parties. And, since I am a poet at heart, I understood communication with the Arabs, even though I never took the opportunity to learn their language.

Yes, I had a few Arab clients with long flowing beards and a fundamentalist view of Islam who would refuse to shake my hand (because it was *haram,* forbidden, to touch a woman other than one's wife). They nevertheless appreciated my expertise and easily listened to my advice.

Yes, there were Saudi clients who visited me from time to time in Bahrain and who would attempt to stare at me, secretly, as I ran a meeting. When I would look up and catch them, they would smile and look shyly away. But their staring was not offensive. I was just such a novelty for them.

Yes, I was excluded from prime marketing opportunities, at the "*dewaniah*" or "*majlis*," which is a room in an Arabic home or, as the case may be, a palace reserved for male visitors only, where much of the business of the Arab world is conducted. But, this was not a huge disadvantage to me because, in truth, few Western men were invited to these in any event.

Yes, even outside the *dewaniah,* informal marketing was difficult because it is not appropriate for a woman to invite an Arab man to lunch or dinner, and so, I always had to have a male colleague with me.

Yes, I came into contact with a few Arab men who treated me in a condescending manner, and perhaps I lost a few transactions because potential clients would not consider working with a woman. On one occasion, I walked out of a negotiation with a Sudanese lawyer who insisted on calling me "My dear" in a condescending tone – and I was supported in doing so by my bearded fundamentalist client who refused to shake my hand!

On the other hand, I stood out and, because I was good at my job, I earned a solid reputation in the community.[4] Many of the Arab bankers were amused that, as a woman, I could structure and negotiate Islamic financing transactions (financing transactions that avoid the prohibition against interest under *Shari'a* law, a law that relegates women to second-class status).

I was generally one of only a handful of women at the large marketing receptions regularly hosted by the banks for their clients. I was even invited to the Emir's *majlis* on two separate occasions – once when I visited him as a member of the board of the American Business Association (formerly know as the American Men's Association) and once when I was invited to the dinner for George Bush, Sr. At the latter event, I was truly the *only* woman in a group of sheikhs, ministers and senior members of the American business community. As I walked down the long rows of cushioned arm chairs to take my place, I heard the chatter of the men as they filled each other in on who I was.

I was again the *only* woman at the signing of a $500 million financing for the Sultanate of Oman, in connection with which I had represented the 40 some banks participating in the syndicate. Upon arriving in Oman for this financing, I was paged from the plane, whisked off the tarmac by a limousine, and taken to the VIP lounge with the Bahraini general manager of the agent bank while my passport was being processed. I was then taken to the Al Bustan Palace Hotel in another limousine, although in this case, I had to travel alone because it was not proper for me to travel in the limousine with the men.

The author assisting with a ceremonial loan signing in Bahrain.

Strangely, the gender bias that I found most difficult to deal with in the Middle East came primarily from the expatriate community. Among the expatriate community, I was an oddity. There were very few expatriate women in the entire country who worked at the senior executive level or, for that matter, worked outside of the home at all. I can only speculate that the reason for this is that there is a self-selection process that occurs with regard to positions in the Middle East. They are generally considered attractive to expatriate men whose wives do not have professional careers of their own. I would therefore receive comments from neighbors (both men and women) who, when they found me at home in the middle of the day with the children, would say something like, "Oh, you're home for a change." Generally, when I met an expatriate woman for the first time at a social gathering, one of the first questions she would ask was who my husband worked for, as if that is how Western women in the Middle East were defined.

On one occasion, while in the school yard to pick up my daughter, a close friend of mine introduced me to an English woman and told her that I was going to dinner that evening at the Emir's Palace with George Bush, Sr. and other dignitaries. The woman looked at me and asked very sweetly who my husband worked for. I answered her, but then proceeded to say that my husband was

not actually going to the dinner because he had not been invited!

And then there were the ubiquitous cocktail and dinner parties hosted by bankers in their homes. In a country like Bahrain, with a population of only 600,000, half of which are service workers from Asia, the dinner party is the way in which many people network and socialize. I was invited to these parties frequently because of my connection to the banking community, and I sometimes hosted them myself. They could be as large as 40 or 50 people, from a variety of different backgrounds – Arabs from within and outside of the GCC, Asians, Europeans and Americans. Most of the guests would attend with their spouses. These events could be difficult for me because, in typical Middle Eastern fashion, the men would gather on one side of the room talking about business and the women would gather on the other talking about children. I often found myself in the middle, and I recall one occasion when a Western banker looked at me and asked, "So, what side of the room do you belong on?"

The Costs and the Benefits

Working in the Middle East was, for me, a great adventure. Not only did I enjoy what many consider to be a sexy international career, transacting business at the highest levels of government and commerce, I also had the opportunity to get to know a warm and gracious people. I must also confess that I was spoiled. I had a very easy lifestyle, especially when compared to the fast pace of life in the U.S. I lived in a very large house with a very large garden. I had servants, gardeners and drivers to tend to my every need. And I socialized with senior executives from a variety of different countries, as well as with members of the diplomatic and American military communities (dinner parties at the homes of the American ambassador and the Commander of the U.S. Fifth Fleet were regular occasions).

In addition to the ease of life, I had the opportunity to travel extensively, enjoy fantastic holidays in exotic places, and develop business and personal relationships with people across the globe. Now, when I want to travel to London, Paris, Frankfurt, Rome, Casablanca, Tunis, Cairo, Amman, India, Hong Kong, Singapore, Australia, New Zealand, Manila or Tokyo, I need only to pick up the phone and ask for recommendations because I have friends and acquaintances in all these locations.

But the greatest benefits, in my view, were the benefits that accrued to my children. Although they attended the American School in Bahrain, a Department of Defense School run primarily for the U.S. military and diplomatic families that are based there, over half of their classmates were from other countries. Some of my son's best friends for many years were from Egypt and Denmark; my daughter's best friends were from Iraq, Jordan, Palestine, Greece and Denmark. They did not have exposure to the variety of activities that children in the U.S. have, but they also did not have exposure to drugs, profanity or violence.

My children also were exposed, during their formative years, to diverse cultures and ways of thinking and, as a result, they have an understanding of world affairs that is far more expansive and sophisticated than their friends in the U.S. They also had regular exposure to senior executives, ambassadors and admirals and, as a result, can now talk to anyone about a wide variety of topics – which my son does regularly!

Were there costs to my experience? Of course there were, just as there are in connection with any choice that we make. I was fortunate to have lived a very privileged life in the Middle East, but there was the constant knowledge that most of the migrant workers were living in poverty and substantial parts of the local population did not have rights equivalent to the members of the ruling families, whether as a result of gender, family background or religious sect.

There was also the political tension that resulted from differing politics – between the U.S. and the Arab World – which resulted in increased threat alerts for the American community, the placing of armed Marine guards in the American school, and on a few occasions the closing down of the American school because of terrorist threats. Following the U.S. response to the 9/11 attacks, the tension increased substantially, resulting in anti-American demonstrations in the streets and at the U.S. and other embassies. Fortunately, these demonstrations were directed primarily at the U.S. government, and at the Arab governments that sometimes implicitly supported the U.S. position, not at individual Americans. And, notwithstanding the political tension, indi-

vidual relationships were not substantially impacted.

There was also the fact that living and working in small countries like Bahrain and Kuwait is like living in a fish bowl. The benefit of working in these countries is that, if you are good at your work, you stand out and your reputation spreads easily. The disadvantage of this is that you must carry your professional identity with you wherever you go. I found that I had to be always "on" – during trips to the supermarket, while watching the children's Little League games, in the gym, at the beach, while attending a Valentine's Ball. Because Bahrain is so small, it was difficult for me to leave the house without running into a client. And because the business and social world are so inter-mingled in the Arab world, most of my clients found it entirely appropriate to talk about business when we met.

I also found that, from a professional point-of-view, I was not able to further develop my skills. Transactions started to repeat themselves, and there was nothing more for me to learn.

As I was talking over my thoughts about moving on with the American general counsel of one of the local banks, he looked at me strangely and said, "KC, Here you are a big fish in a small pond. Why would you want to go elsewhere where you will be a small fish in a big pond?" I told him that I did not care very much about being a "big fish", but the "small pond" was starting to bother me!

And so, after spending an initial $5\frac{1}{2}$ years in Bahrain, I moved on – to another adventure – in Moscow! But that is another story for another time.

FOOTNOTES

1 The GCC was constituted in 1981 by the leaders of Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab Emirates and Oman, countries that are linked by deep religious, cultural and family ties, in order to effect cooperation and unification among them.

2 One of the reasons that English is so widely used in the Middle East is that a large portion of the population is foreign. Since the advent of oil wealth, the Middle East has taken advantage of cheap labor from a variety of different countries, most notably, India, Sri Lanka, Pakistan and the Philippines, and English is the language that is used to communicate among this diverse population.

3 My husband was born in Algeria and, even though he is actually more European than Arabic, he was considered by the Gulf Arabs to be quite fierce, because the Algerians won their battle for independence from France in 1962 following a long and bitter war.

4 Based on my reputation, I was recruited to go back to Bahrain in 2000 when White & Case decided to open an office there. They told me that, when they were doing their due diligence, everyone mentioned my name.

KC Bradley practiced law for 18 years under her married name, Kathleen Chouai, In addition to working in Kuwait and Bahrain, she worked for Clifford Chance in London, Moscow and Washington, D.C. Her primary practice areas were international and project finance.

In 2003, KC decided to embark on a new adventure. Upon returning to the U.S. from the Middle East, she formed KC Bradley Associates, a company which offers coaching and consulting services to lawyers and law firms in the areas of leadership, career and professional development, diversity, cross-cultural communication, recruitment and retention. In addition, she assists her Arab clients from time to time in connection with their transactions in the U.S.

KC received her law degree, magna cum laude, from the University of Pittsburgh School of Law in 1984. She is certified as a leadership coach by Georgetown University's prestigious Leadership Coaching Program. She is also currently in the process of obtaining her Doctorate in Executive Leadership at George Washington University.

KC lives in the Washington, D.C. metro area with her three children, who are now 21, 16 and 6. Her eldest son is studying Communications and Economics at Denison University and wants to work in the international arena. Her 16-year-old daughter has already decided that she wants to study international affairs in college.

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cross cultural communication

Lawyers…want to know how well you communicate cross culturally? Take a look at your level of cultural competence.

By Jatrine Bentsi-Enchill

In today's current age of globalization cross cultural communication is rapidly becoming an important skill for lawyers to master.

When lawyers interact with clients and colleagues on a daily basis they are interacting with issues related to culture. Behavior, communication, relationships, parenting, decision making, expectations and so much more, have cultural significance.

Effective cross cultural communication is the ability to communicate with individuals from other cultures in a way that minimizes conflict, promotes greater understanding and maximizes one's ability to establish trust and rapport. In addition, it will require lawyers to learn to properly interpret non-verbal and verbal cues.

For lawyers, gaining an awareness of cultural differences will favorably impact business development, staff retention, client service and most importantly, attorney client relationships.

Cross cultural communication and cultural competence

As individuals, lawyers, like everyone else, interpret the world through their individual cultural lens or worldview. These interpretations ultimately become positive, negative and often erroneous judgments about the behavior, decisions and choices made by clients and others.

The ability to communicate cross culturally is tied to one's level of cultural competence. As one's level of cultural competence increases, so will cross cultural communication skills.

So what is cultural competence?

For individuals, cultural competence is:

- The ability to function effectively in the context of cultural difference
- The capacity to effectively adapt, accept and interpret culturally relevant behavior

Think of cultural competence as a "lens" that can accurately interpret culturally relevant behavior and values.

How culturally competent are you?

The most effective way to determine your level of cultural competence is to take an assessment. Absent such an assessment, Dr. Milton Bennett, who developed the Developmental Model of Intercultural Sensitivity provides a good starting place to review current perspectives around culture and difference.

The model outlines six stages that give insight into an individual's level of intercultural sensitivity and cultural competence. The stages are as follows:

STAGE ONE: Denial

Lawyers in this stage are acutely *unaware* of cultural difference.

The prevailing attitude is likely to be: "business is business the world over" or "everyone would respond this way". Lawyers in this stage of development might be so intent on the tasks at hand that they fail to notice the cultural aspects of business relationships with clients and colleagues. In this stage, there is a general lack of awareness about difference.

However, awareness is a key element in cross cultural communication. Effective cross cultural communication requires that individuals have some awareness and appreciation of difference. A lawyer in denial would be completely insensitive to their client's cultural taboos, expectations, family norms, communication and conflict styles.

While in the denial stage, lawyers will be ineffective in establishing trust and good

client relations with clients from other cultures. The failure to understand the significance of cultural differences may lead lawyers to implement ineffective case strategies due to the misinterpretation of client behavior.

For lawyers in this stage, unnecessary conflicts and misunderstandings, along with an overall lack of understanding of the importance of cross-cultural communication are common.

STAGE TWO: Defense

Lawyers in this stage will 1) recognize some cultural differences and 2) view such differences negatively.

Instead of striving to understand or interpret the patterns of conduct or communication that differ from their own culture, lawyers in defense are likely to mislabel such conduct as "wrong" "unintelligent, "dishonest" etc. In this stage, the greater the difference, the more negatively it is perceived.

A criminal defense lawyer in the denial stage will most likely be frustrated by a female murder defendant from China, who is more committed to preserving family honor than asserting a claim of self defense in the murder of her husband. (For many Chinese, issues of honor, shame and commitment to family take precedence over individual goals and objectives.) How effectively could a lawyer in the denial stage represent this client? How might the difference in cultural worldviews and behaviors affect the lawyers' relationship with her client?

Clearly, lawyers in this stage will struggle to communicate and work effectively with clients they perceive as different. This perception may cause otherwise well-meaning lawyers to misjudge or stereotype a client. Negative attitudes and perceptions held about people from other cultures serve to diminish cross-cultural understanding and communication, ultimately undermining a lawyer's ability to establish a healthy and respectful relationship with his or her client.

STAGE THREE: Minimization of Difference

It's common for lawyers in this stage to avoid stereotypes and even appreciate differences in language and culture.

However, many will still view their own values as universal and superior, rather than viewing them simply as part of their own ethnicity and culture.

Consequently, it's common for lawyers in minimization to believe that everyone else shares their ideals, goals and values with regard to family, work, professionalism, humor, communication etc. In dealing with clients, the lawyer is likely to misinterpret the client's behavior, opinions and reactions because the lawyer will misperceive that the client shares his or her cultural values.

For example, in American culture when assessing credibility, lawyers may read a client or witnesses failure to maintain eye contact as a sign of dishonesty. However, in many cultures averting the eyes is a sign of respect to someone in authority. How will inaccurate read on behavior impact the lawyer's ability to make an accurate assessment of the credibility of a client or witness?

Lawyers in this stage focus on minimizing difference and in so doing they misread relevant behavioral and communication cues that are based on culture. Assuming similarity when none exists serves as a barrier to successful cross cultural communication.

STAGE FOUR: Acceptance of Difference

Lawyers in this stage acknowledge that identifying significant cultural differences is crucial to understanding and improving their interactions with individuals from other cultures.

There is an awareness of one's own culture and an understanding that although individuals from other cultures communicate differently, have different ideas and customs; they are neither superior nor inferior. Lawyers in this stage are beginning to interpret culture through a culturally unbiased lens.

Lawyers who are able to accept cultural differences have the ability to shift perspectives to understand that behavior typically defined as "ordinary" in one's own culture can have different meanings in different cultures

Flexibility, adaptability and open-mind-

edness are the route to successful cross cultural lawyering and communication. Understanding, embracing and addressing cultural differences leads to the breaking of cultural barriers, and the decrease of "culture clashes". These skills lead to better lines of communication, stronger interpersonal relationships, mutual trust and enhanced client service.

It's important for lawyers to have the ability to properly analyze and respond to clients as a basis for establishing effective attorney client relations.

The following situation was recently shared with me by an immigration lawyer. It provides a great example of effective cross cultural communication and lawyering:

The lawyer was representing a client eager to obtain his permanent residence status so he could take a long awaited trip home to visit family and friends. The lawyer reported that his client is from a culture where it is customary to pay officials bribes in order to expedite certain processes. In fact, in the client's culture, such bribes are often expected. During a discussion about time frame for the permanent resident process, the lawyer gently explained to the client why his expectations regarding processing time lines were unreasonable and simply impossible to meet. In an attempt to "expedite" the process the client responded by offering the lawyer a bribe. In this situation, the immigration lawyer was aware of his client's cultural background and was able to respond in an appropriately sensitive and informative manner. Additionally, since the lawyer approached the situation with understanding instead of judgment, the attorney client relationship was preserved. This lawyer reported that his opinion of his client's integrity was not adversely affected. Instead, he interpreted the bribe as an indication of his client's desire and perhaps desperation to visit his family.

This example speaks to the heart of the significance of cultural awareness and competence required to develop and sustain successful attorney client relationships.

STAGE FIVE: Adaptation to Difference

In this stage of development, lawyers are able to take the perspective of another culture and operate successfully within that culture.

Lawyers in this stage, are likely to have developed solid skills in cross-cultural communication. Their increased awareness, acceptance and ability to adapt to other cultures makes such communication possible. They are more likely to independently strive to understand the nuances of other cultures which most often leads to openness and ability to connect with others.

STAGE SIX: Integration of Difference

In this stage, lawyers have the ability to evaluate another individual's behavior in the frame of reference of their client, opponent, colleague or staff member.

They will be able to establish rapport and read the verbal and non-verbal cues of an individual from another culture.

This skill is useful in learning how to "read" people in relevant ways that are accurate vs. stereotypical.

Lawyers in the integration stage become adept at evaluating any situation from multiple cultural frames of reference. Additionally, lawyers in leadership roles within organizations will define their roles by demanding intercultural competence and encouraging educational training in those skills. They strive to ensure that there is respect for cultural diversity that leads to a highly diverse workforce and client base. Organizations that have successfully embraced diversity and inclusion possess a significant advantage over other organizations when dealing with diverse clientele.

These stages clearly reflect that the further along a lawyer is on the continuum of cultural competence, the more effectively he or she will be able to communicate with clients and others cross-culturally.

Cultural competence is a developmental process that evolves over an extended period through the proper use of competency assessments, training and coaching.

Effective cultural competence training programs should take a multi-dimensional approach and focus on helping individuals

gain skills, knowledge and attitudes that encompass five elements:

1. Awareness, acceptance and appreciation of difference;
2. Awareness of one's own cultural values;
3. Understanding of the dynamics of difference;
4. Development of cultural knowledge;
5. Ability to adapt and practice skills to fit the cultural context of co-workers, managers, clients and/or customers.

Most importantly, programs should be sensitive to the needs of all participants and structured in ways to create a safe learning environment where each participant's opinion is respected and valued regardless of where the individual's skill level may lie on the cultural competence continuum.

Tips for improving cross cultural communication.

Although training and coaching interventions are the most effective method of improving cross cultural communication skills and cultural competence, the following are some things that lawyers can begin doing to improve cross cultural communication skills:

1) Gain awareness. Become aware that although a gesture, word or response may mean something in your culture; it may mean something totally different to someone from another culture.

2) Take a look at your own culture: Understanding how your worldview and culture impacts your perception of others will help you identify instances where you may tend to use biases or stereotypes when interacting with those who you perceive as different.

3) Try a little understanding. In trying to better understand your clients and their motivations, understand the impact that culture plays on their values, perspectives and behavior.

4) Listen closely and pay attention Try to focus on verbal as well as non-verbal cues and the behavior of your client. If the client seems distracted, confused, or ill at ease, ask questions.

5) Suspend judgment as much as possible. Approaching people from other cultures in a judgmental manner will hinder your ability to gain a clear understanding of the situation.

6) Be flexible: Flexibility, adaptability and open-mindedness are critical to effective cross cultural communication. Understanding, embracing and addressing cultural differences will lead to better lines of communication, client service and lawyering.

Lawyers who are willing to address cultural issues when dealing with clients and colleagues will enhance client relationships and improve their ability to problem solve and negotiate. Keep in mind that improving cross cultural communication and cultural competence is a process and a journey so be patient with yourself. Your commitment and desire to improve will go a long way toward enhancing the service you provide your clients as well as the overall quality of your lawyering skills.

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In India, Domestic Violence Rises with Education

By Swapna Majumdar

Debate about the cultural underpinnings of domestic violence in India is being stirred by a study that found a woman's risk of being beaten, kicked or hit rises with her level of education.

NEW DELHI, India (WOMENSENEWS)—In New Delhi, India, a brilliant doctor tries to commit suicide after her husband slaps her for contradicting him in front of his friends.

In Manila, Philippines, a former beauty queen tells police she was coerced into "entertaining other men" after being locked in a room without food for days by her husband.

In Santiago, Chile, neighbors respond to distress calls from a woman battered by her husband for refusing to let him watch a particular TV program in front of the children.

In Cairo, Egypt, the wife of a highly placed bureaucrat finally speaks up after enduring years of physical and mental abuse for being unable to bear a child.

The incidents were documented in a series of studies carried out by the Washington-based International Center for Research on Women in collaboration with independent Indian researchers. The cross-cultural study looked at the problem of domestic abuse in India, Egypt, Chile and the Philippines and found that violence against women was prevalent across regions, communities and classes.

New Round of Debate

While the findings are not new, the study has incubated a new round of debate about the cultural underpinnings to domestic violence, especially in India, where the study found a woman's risk of being beaten, kicked or hit rose along with her level of education.

Preet Rustagi

In the aftermath of the report, advocates are anxious that the data not be used to retard the push for women's education. That effort was given new urgency this week with the release of a report by the United Nations Educational, Scientific and Cultural Organization, finding that girls in many countries continue to face "sharp discrimination in access to schooling." The report also finds that girls in India had just a little better than three-quarters the chance of boys to receive a primary-school education.

"Interpretation of this data needs to be done very sensitively," warned Preet Rustagi, a junior fellow at the New Delhi-based Center for Women's Development Studies. "Education is an empowering tool for women and should not be seen as impacting negatively. In fact, this correlation points to the imperative need for an attitudinal change among men and society in general." Rustagi has analyzed crime records

relating to violence against women and also found a correlation between education and domestic violence.

Risk Rises with Education

According to the 2002 study, 45 percent of Indian women are slapped, kicked or beaten by their husbands. India also had the highest rate of violence during pregnancy. Of the women reporting violence, 50 percent were kicked, beaten or hit when pregnant. About 74.8 percent of the women who reported violence have attempted to commit suicide.

Kumud Sharma of the Centre for Women's Development Studies in New Delhi traced the correlation between education and domestic violence to patriarchal attitudes. "Educated women are aware of their rights," she said. "They are no longer willing to follow commands blindly. When they ask questions, it causes conflicts, which, in turn, leads to violence. In many Indian states, working women are asked to hand over their paycheck to the husband and have no control over their finances. So, if they stop doing so or start asserting their right, there is bound to be friction."

Domestic violence experts say the problem in India stems from a cultural bias against women who challenge their husband's right to control their behavior. Women who do this–even by asking for household money or stepping out of the house without their permission—are seen as punishable. This process leads men to believe their notion of masculinity and manhood is reflected to the degree to which they control their wives.

"The behavior of men stems from their understanding of masculinity," said Nandita Bhatla, researcher with the International Center for Research on Women, "and what their role should be vis-a-vis women, especially their wives."

Jyotsna Chatterjee

Problem of Perception

Men have always been taught to perceive themselves as the superior sex, said Jyotsna Chatterjee, director of the Joint Women's Program, a women's resource organization based in New Delhi. It is this conditioning, she said, that makes them believe they have to control their wives, especially if they are considered disobedient.

Although men's preoccupation with controlling their wives declines with age—as does the incidence of sexual violence—researchers found that the highest rates of sexual violence were among highly educated men. Thirty-two percent of men with zero years of education and 42 percent men with one-to-five years of education reported sexual violence. Among men with 6-to-10 years of education—as well as those with high-school education and higher—this figure increased to 57 percent.

A similar pattern was seen when the problem was analyzed according to income and socioeconomic standing. Those at the lowest rungs of the socioeconomic ladder—migrant labor, cobblers, carpenters, and barbers—showed a sexual violence rate of 35 percent. The rate almost doubled to 61 percent among the highest income groups.

Researchers have not determined why men with higher incomes and educations are more likely to be violent towards women.

Charming Colleague Is Revealed to Be a Wife Beater

Indian theater personality and feminist Tripurari Sharma was shocked to learn that a well-educated and respected actor in her theater group was abusing his wife, also an established actress.

"He was the most helpful, cordial and endearing man," she said. "His wife would attend rehearsals with bruises at times that she would cover up. Later, I found out she was being beaten. If the actress herself had not told me, I would have never believed it. So, I think it is a myth to think that the high education and economic status will lessen the risk of violence against women."

Equally disturbing is the finding that two of every five women in an abusive relationship in India remain silent about their suffering because of shame and family honor. The studies have also shown, nearly one-third of the Indian women experiencing abuse had thought about running away, but most said they feared leaving their young children and had no place to go. Activists felt that for intervention strategies to succeed, attitudes about violence would have to change and the level of awareness, among both men and women, about the negative impact of violence had to be raised.

Swapna Majumdar is an award winning Indian journalist writing on politics, gender and development. She also focuses on international affairs and the impact of social and political changes in Asia and the role of women as agents of social change.

Besides the Prabha Dutt award for investigative journalism, Swapna has also received several prestigious journalism fellowships including the United Nations Dag Hammarskjold fellowship, the South Asia Media Fellowship and the Medialinks fellowship.

Her articles have appeared in national newspapers including The Times of India, The Hindustan Times, The Indian Express and The Hindu and international newspapers including The Guardian, The Sydney Morning Herald, the South China Morning Post and Womensenews.

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death penalty

The United States' Elimination of the Death Penalty for Children and International Law

By Zoe Sanders Nettles

On March 1, 2005, the United States Supreme Court held that imposing the death penalty on juveniles – those younger than 18 when they committed their crimes - constitutes cruel and unusual punishment in violation of the Eighth Amendment and violation of the Fourteenth Amendment. Roper v. Simmons, 543 U.S. ___, 161 L. Ed.2d 1 (2005). The lawyers for the defendant argued that advances in the scientific understanding of adolescent development, and the consistent movement by legislatures and juries away from imposition of death on juvenile offenders, demonstrated that capital punishment of those under age eighteen is inconsistent with our society's evolving standards of decency. In a case decided three years earlier, the Supreme Court noted a national and worldwide consensus had emerged with regards to the execution of mentally retarded offenders and prohibited such executions. Atkins v. Virginia, 536 U.S. 304 (2002). Based on that decision, opponents of the juvenile death penalty and the lawyers for Simmons argued that the execution of juvenile offenders — like that of mentally retarded offenders — is simply contrary to our national and worldwide consensus and also should be prohibited on that basis. Additionally, the argument was made that cutting-edge brain imaging technology reveals that regions of the adolescent brain do not reach a fully mature state until after the age of eighteen. The regions are those associated with impulse control, regulation of emotions, risk assessment, and moral reasoning. Critical development of the regions only occurs after late adolescence. Accordingly, opponents asserted 16 and 17 years-olds are not the "fully rational, choosing agent[s]" as presupposed by the death penalty. See Thompson v. Oklahoma, 487 U.S. 815, n.23 (1988).

Although not widely publicized, another argument made by lawyers advocating on behalf of children, including those arguing on behalf of Simmons, was that international law prohibits the execution of juvenile offenders. Child advocates argued that subjecting the juveniles to the death penalty for a crimes committed when they were 16 or 17 years old would violate customary international law and the principle of jus cogens, and such violations of international law constitute a violation of the due process and equal protection clauses of the Fourteenth Amendment to the Constitution of the United States.

In Simmons, as has been widely publicized, the Supreme Court agreed with the lawyers for Simmons that those under 18 are not mature enough to warrant the penalty of death for their crimes. One portion of the opinion clearly shows the spirit of the decision on that issue:

> The susceptibility of juveniles to immature and irresponsible behavior means "their irresponsible conduct is not as morally reprehensible as that of an adult." *Thompson, supra,* at 835 (Plurality opinion). Their own vulnerability and comparative lack of control over their immediate surroundings mean juveniles have a greater claim than adults to be forgiven for failing to escape negative influences in their whole environment. See *Stanford,* 492 U.S., at 395 (Brennan, J., dissenting). The reality that juveniles still struggle to define their identity means it is less supportable to conclude that even a heinous crime committed by a juvenile is evidence of irretrievably depraved character. From a moral standpoint it would be misguided to equate the failings of a minor with those of an adult, for a

> greater possibility exists that a minor's character deficiencies will be reformed. Indeed, "[t]he relevance of youth as a mitigating factor derives from the fact that the signature qualities of youth are transient; as individuals mature, the impetuousness and recklessness that may dominate in younger years can subside." *Johnson, supra,* at 368; see also Steinberg & Scott 1014 ("For most teens, [risky or antisocial] behaviors are fleeting; they cease with maturity as individual identity becomes settled. Only a relatively small proportion of adolescents who experiment in risky or illegal activities develop entrenched patterns of problem behavior that persist into adulthood").

Simmons at __, 161 L. Ed.2d at *22.

Although less publicized the international law arguments made on behalf of Simmons were also embodied in the Court's decision. This article seeks to highlight those arguments and the court's ruling on them.

International law arguments against juvenile executions

Prior to the decision in Simmons, the United States was virtually alone among the world's nations in permitting the execution of juvenile offenders. Since 1990 the only other countries known to have executed prisoners who were under 18 years old at the time of the crime are China, Congo (Democratic Republic), Iran, Nigeria, Pakistan, Saudi Arabia and Yemen. China, Pakistan and Yemen have raised the minimum age to 18 in law, and Iran is reportedly in the process of doing so. The USA executed more child offenders than any other country (19 between 1990 and 2003). Amnesty International recorded four executions of child offenders in 2004 - one in China and three in Iran. Another child offender was executed in Iran in January 2005.[1]

A. Treaty Obligation and the International Covenant on Civil and Political Rights.

Under Article VI, section 2, of the Supremacy Clause of the United States Constitution, "[a]ll Treaties made, or which shall be made, under the Authority of the United States, shall be Supreme Law of the Land; and the Judges in every State shall be bound thereby, anything in the Constitution or Law of any State to the contrary notwithstanding". The United States ratified the International Covenant on Civil and Political Rights (hereinafter, "ICCPR"), a multilateral international treaty, in 1992. Art. 6 (5) of the ICCPR explicitly provides that a "sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out against pregnant women."

Upon ratification, the United States Senate purported to reserve for the United States the right "subject to its Constitutional constraints, to impose capital punishment on any person. . . including such punishment for crimes committed by persons below eighteen years of age".[2] Not one other signatory-nation to the ICCPR filed any objection or reservation to Art. 6.5.[3] The United States put forward this reservation in order to permit the various states to continue to execute juvenile offenders. Child advocates have argued that the reservation is invalid, for the following reasons.

First, the Senate reservation is invalid pursuant to the international treaty that governs treaty interpretation, the Vienna Convention on the Law of Treaties, 8 I.L.M. 679, 1155 U.N.T.S. 331 (adopted May, 1969, entered into force January 27, 1980) (hereinafter, "Vienna Convention"). A nation-state "may, when signing, ratifying, accepting, approving, or acceding to an international treaty, formulate a reservation *unless. . . the reservation is incompatible with the object and purpose of the treaty."* Vienna Convention, Art. 19.3 (emphasis supplied). But by signing a treaty, even prior to its ratification a nation has agreed to bind itself in good faith to ensure that nothing is done that would defeat the treaty's "object and purpose," pending ratification.[4]

Artic1e 6.5 is essential to the ICCPR's "object and purpose." The central purpose of Article 6 *in toto,* the "right to life" provision of the treaty, is to impose limitations of the death penalty. One of those express lim-

itations is the prohibition against death sentences for crimes committed by juveniles. See Article 6, and see Schabas, 21 Brook.J.Int'l.L. 277, supra. Because the Senate's "reservation" directly and irreconcilably conflicts with the object and purpose of the ICCPR, the reservation is invalid.

Second, the Senate's reservation to Art. 6.5 has been argued to be invalid because it conflicts with treaty law as interpreted by the United States Supreme Court. That Court has long held that, "as treaties are contracts between independent nations, their words are to be taken in their ordinary meaning 'as understood in the public law of nations.'" Santovincenzo v. Egan, 284 U.S. 30 at 40 (1931) (citing cases). A Senate "reservation" which is invalid under international law has no independent validity in the United States law, as the invalid reservation is not part of a treaty. Because the Senate's "reservation" directly and irreconcilably conflicts with the object and purpose of the ICCPR, the reservation has been argued to be invalid.

B. Customary International Law

Independent of treaty law, international law is federal law, therefore binding upon all courts within the United States despite the existence of state law to the contrary. See The Paquete Habana, 175 U.S. 677, 700 (1900) ("International law is part of our law and must be ascertained and administered by the courts of justice of appropriate jurisdiction, as often as questions of right depending upon it are duly presented for their determination"); see also Restatement (Third) of Foreign Relations Law of the United States, Sec. 111, reporters' note 4 (1987) ("matters arising under customary international law also arise under the laws of the United States, ' since international law is 'part of our law' . . . and is federal law"); and Sec.702 (" [T]he customary law of human rights is part of the law of the United States to be applied as such by state as well as federal courts.")

An international law norm must satisfy a two-pronged test in order to be deemed legally binding "customary international law": (1) the norm must be adhered to in practice by most countries, and (2) those countries that follow the norm must do so because they feel obligated by a sense of legal duty ("opinio juris").[5] Child advocates argued that even if the United States was not bound to bar the execution of juvenile offenders due to its recited treaty obligations, this customary international law would bar application of the death penalty in the instant matter.

The norm that prohibits the execution of juvenile offenders is embodied in Article 37 of the Convention on the Rights of the Child ("CRC"), a multilateral treaty adopted in 1989 by the United Nations General Assembly and signed without reservation by the Secretary of State as the President's designee in 1995. This treaty has been ratified by 191 of the world's 193 nation-states.[6] The only two non-ratifying nations are Somalia – which has no government – and the United States. Aside from the ICCPR and the CRC, the international law against executing juvenile offenders also is expressed in at least two other multilateral treaties that the United States has signed and/or ratified: the Convention Relative to the Protection of Civilians in Time of War (Fourth Geneva Convention), at Article 68, paragraph 4 (Art. 68.4), ratified by the United States without reservation in 1949; and the American Convention on Human Rights (ACHR), at Chapter II, Art.4.5, signed by the United States in 1977 but not yet ratified. Moreover, this norm against executing juvenile offenders has been expressed or agreed to by every international body that has commented upon it.[7]

C. Jus Cogens

Child advocates argued that even if the United States would or could claim that it had been a "persistent objector" to the norm, it still could not exempt itself from the prohibition against executing juvenile offenders. It has been argued that this is now a peremptory, *jus cogens* norm.

Under Article 53 of the Vienna Convention, the lawyers for Simmons asserted that a *jus cogens* norm is a norm accepted and recognized by the international community as a norm from which no

derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character. The Restatement (Third) of the Foreign Relations Law agrees with this standard, asserting that the norm is established where there is acceptance and recognition by a "large majority" of states, even if over dissent by "a very small number of states." (Restatement (Third) of Foreign Relations Law, §102, and reporter's note 6 (1986), citing Report of the Proceedings of the Committee of the Whole, May 21, 1968, UN Doc. A/Conf. 39/11 at 471-72). In other words, the norm describes such a bare minimum of acceptable behavior that *no* nation may derogate from it.

The overwhelming application of the norm against executing juvenile offenders has rendered it a *jus cogens* norm. The treaties, pronouncements, and practices cited in the foregoing paragraphs demonstrate that, particularly in light of the dramatic movement of nations over the last decade, the prohibition has become as widespread and unquestionable as have the prohibitions against slavery, torture, and genocide. There are no contrary expressions of opinion by any country, nor by agency charged with the enforcement and interpretation of the within-cited international accords. Except for a handful of States within these United States, the global consensus on this point is absolute.

States that sought the death penalty for juveniles were self-evidently, asking courts for precisely the opposite. States essentially were asking courts to *ignore* both non-derogable international law, and the express terms of a ratified multilateral treaty. Lawyers for juvenile defendants asserted that as the "supreme Law of the Land," treaties preempt any existing state law. See United States v. Pink, 315 U.S. 203, 230-31 (1942) ("state law must yield when it is inconsistent with or impairs the policy or provisions of a treaty or of an international compact or agreement"). Beyond our treaty obligations, child advocates argued to whatever extent possible any court within these United States must construe United States law so as to avoid violating principles of international law. See Murray v. The Schooner Charming Betsy, 6 U.S. 64 (1804); see also Zschernig v. Miller, 389 U.S. 429, 440 (1968); Missouri v. Holland, 252 U.S. 416 (1920). Thus a court has the power, and indeed the obligation, to ensure that the rights guaranteed by international treaty and international law are given effect within a State.

In Simmons, the United States Supreme Court began its discussion of the international arguments by holding

> Our determination that the death penalty is disproportionate punishment for offenders under 18 finds confirmation in the stark reality that the United States is the only country in the world that continues to give official sanction to the juvenile death penalty. This reality does not become controlling, for the task of interpreting the Eighth Amendment remains ore responsibility. Yet at least from the time of the Court's decision in *Trop* [Trop v. Dulles, 356 U.S. 86, 100-101 (1958)], the Court has referred to the laws of other countries and to international authorities as instructive for its interpretation of the Eight Amendment's prohibition of "cruel and unusual punishments.

Simmons at __, 161 L. Ed.2d at *25 (citation omitted).

The court went on to explain that Article 37 of the United Nations Convention on the Rights of the Child, which every country in the world has ratified save for the United States and Somolia, contains an express prohibition on capital punishment for crimes committed by juveniles under 18. The Court further recognized that parallel prohibitions are contained in other significant international covenants citing to ICCPR, Art 6(5), 999 U.N.T.S., at 175 (prohibiting capital punishment for anyone under 18 at the time of the offense)(signed and ratified by the United States subject to a reservation regarding Article 6(5); American Convention on Human Rights: Pact of San José, Costa Rica, Art. 4(5), Nov. 22, 1969, 1144 U.N.T.S. 146 (entered into

force July 19, 1978); African Charter on the Rights and Welfare of the Child, Art. 5(3), OAU Doc. CAB/LEG/24.9/49 (1990) (entered into force Nov. 29, 1999).

The Court further recognized that even before the international covenants abolished the juvenile death penalty, the United Kingdom abolished the juvenile death penalty. The Court explained

> The United Kingdom's experience bears particular relevance here in light of the historic ties between our countries and in light of the Eight Amendment's own origins. The Amendment was modeled on a parallel provision in the English Declaration of Rights of 1689, which provided "[E]xcessive Bail ought not to be required nor excessive Fines imposed; nor cruel and unusual Punishments inflected." 1 W. & M., ch. 2, §10, in 3 Eng. Stat. at Large 441 (1770).

Simmons at __, 161 L. Ed.2d at *27

The Court concluded its opinion and its position on the international law arguments by holding:

> It is proper that we acknowledge the overwhelming weight of international opinion against the juvenile death penalty, resting in large part on the understanding that the instability and emotional imbalance of young people may often be a factor in the crime. The opinions of the world community, while not controlling our outcome, does provide respected and significant confirmation for our own conclusions. Id.
>
> Over time, from one generation to the next, the Constitution has come to earn the high respect and even, as Madison dared to hope, the veneration of the American people. the document sets forth, and rests upon, innovative principles original to the American experience, such as federalism; a proven balance in political mechanisms through separation of powers; specific guarantees for the accused in criminal cases; and broad provisions to secure individual freedom and preserve human dignity. These doctrines and guarantees are central to the American experience and remain essential to our present-day self-definition and national identity. Not the least of the reasons we honor the Constitution, then, is because we know it to be our own. It does not lessen our fidelity to the Constitution or our pride in its origins to acknowledge that the express affirmation of certain fundamental rights by other nations and peoples simply underscores the centrality of those same rights within our own heritage of freedom.
>
> Id.

Conclusion

We do not educate our children very well – some, not at all. We do not provide very good health care for our children – 38 million have no health insurance. We do not even make sure our children have enough to eat – 11 million go to bed hungry. The decision to stop willfully killing our children can only be viewed as a small step in the right direction.

Notes

The arguments set forth in this article and the expert and additional legal authority for them can be found in the briefs filed in the United State Supreme Court by the lawyers for Christopher Simmons in the case of Simmons v Roper 543 ***US ___, 161 L. Ed.2d 1 (2005).***

The author wishes to thank the great lawyers and experts who have dedicated a large part of their careers and lives to save America's children from death row.

FOOTNOTES

1 D*eath penalty page, Facts and Figures on the Death Penalty, of the Amnesty International website* ***www.amnesty.org/deathpenalty*** (last updated April 5, 2005).

2 *See* 31 I.L.M. 645, 653-54 (1992), 138 CONG. REC. S4781-01, § I (2) (daily ed. Apr. 2, 1992).

3 *See* William A. Schabas, *Invalid*

Reservations to the International Covenant on Civil and Political Rights: Is the United States Still a Party? 21 Brook.J.Int'l.L. 277 (1995) (hereinafter, "Schabas")

4 *See* Vienna Convention, Art. 18 ("A state is obliged to refrain from acts which would defeat the object and purpose of a treaty when (a) it has signed the treaty. . . subject to ratification, acceptance, or approval, until it shall have made its intention clear not to become a party to the treaty. ..."). See also Restatement (Third) of Foreign Relations Law of the United States, Sec. 313(1) (c) (1987); United Nations' Human Rights Commission, General Comment No. 24 (52).

5 *See* Barry E. Carter and Philip R. Trimble, International Law (3d ed., 1999), at pp. 134-138. *See also* Article 38, Statute of the International Court of Justice, 59 Stat. 1005, 1060 (1945) ("The Court, whose function it is to decide in accordance with international law such disputes as are submitted to it, shall apply . . . (b) international custom, as evidence of a general practice accepted as law . . . ."); Note, *Judicial Enforcement of International Law Against the Federal and State Governments,* 104 Harv. L. Rev.1269, 1273 (1991).

6 The Report of the Secretary General, UN ESCOR, Economic and Social Council, Subst. Sess., UN Doc E/2000/3 at 21 ¶ 90 (2000).

7 The bodies of the United Nations officially and repeatedly have registered the position that the continued use of the death penalty against juveniles in the United States violates international law. *See e.g., Safeguards Guaranteeing Protection of the Rights of Those facing the Death Penalty,* ESC. Res 1984/50, annex, 1984 UN ESCOR Supp. (No 1) at 33, UN Doc E/ 1984/84 (1984) (wherein the United National General Assembly adopted the United Nations Economic and Social Council's resolution to implement safeguards to prevent the juvenile death penalty.

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member spotlight

A Woman Lawyer in an Emerging Democracy: Experiences from Legal Practice in Nigeria

By Marta J. Borinsky

Nigeria is Africa's most populous country with a diverse population of about 137 million people and vast petroleum resources mismanaged by successive governments. The country is a federal presidential democratic republic, divided into 36 states and one federal capital territory. It is composed of more than 250 ethnic groups with Christianity and Islam as the two major religions. Nigeria's ethnic and religious diversity has created barriers to her political progress and to her major goal of institutionalizing democracy. Since Nigeria's independence from Britain in 1960, her slow but steady march towards democracy has been impeded by military interventions that invariably shaped the practice of law in Nigeria.

The country's legal system is primarily based on English common law. Islamic Shariah law is also practiced in some northern states, while traditional law (formed from native customs) is accepted and practiced through special customary courts. In Nigeria, the education of a lawyer begins at the University level. After obtaining an undergraduate degree in Law, the student must attend the Nigeria Law School and pass the bar examinations to be called to the bar and be enrolled as a legal practitioner at the Supreme Court of Nigeria (the highest court of the land). Admission into the Nigeria Law School is also open to persons who have passed the final bar examinations of the English, Scottish or Irish bar as well as the Solicitor's final examinations of England, Scotland or Ireland.

Ms. Ibeh in the traditional lawyers' robe ("wig and gown"). Wearing the robe is a legacy from the British legal system which has been retained in the Nigerian legal system. Lawyers are entitled to wear the robe only when they have been called to the bar. The robe is required for any court appearance in superior courts like the High Court, Court of appeals, Federal High Court or Supreme Court. A lawyer will be considered not properly dressed without the wig and gown and will not be heard in court. Appearance in magistrate's court and other courts of summary jurisdiction does not require the wig and gown. Lawyers may also wear the wig and gown at "robing ceremonies" for deceased lawyers.

Pamela Ibeh obtained a law degree from the University of Nigeria and became a barrister when she was called to the Nigerian bar, after passing the required bar part II examinations (different from bar part I examinations for graduates of foreign schools mainly from the United Kingdom). Following a brief period of working in a private law firm, she began her career in public service by joining the Civil Litigation Division of the Imo State Ministry of Justice. She rose to the position of Principal State Counsel at her last promotion.

Ms. Ibeh was exposed to various areas of litigation, and worked on cases ranging from challenges to government acquisition of land and chieftaincy (community leadership) disputes, to

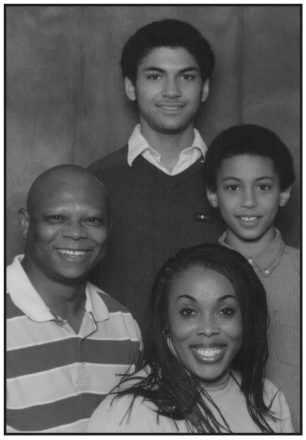
allegations of government breach of contracts and constitutional rights. She was also involved in political cases, which afforded her the opportunity to make significant contributions to Nigeria's stride toward democracy. A considerable measure of her practice was dedicated to periodic election petitions. Extensive litigation usually followed elections in Nigeria. Specially appointed Election Tribunals heard petitions that presented allegations of voting irregularities and other election misconduct. Ms. Ibeh participated regularly in arduous representation of the government-appointed electoral commissions.

She also worked on cases that raised constitutional issues. One of her noteworthy cases was remarkable for its significance in the political history of Nigeria. In 1994, a prominent playwright and Nobel Prize winner in Literature challenged the legitimacy of a sitting military President. The case arose when a period of political uncertainty followed the annulment of a presidential election in 1993 and the incumbent President was forced to resign amid massive protests. Eventually, a General in the army unilaterally assumed power and declared himself President of the country. The constitutional case that ensued challenged the legitimacy of this government that was instituted neither by constitutional elections nor military coup d'etat. The defendants were the President, Vice President and their appointees including state military governors and their Attorneys General. The dominant issue at the preliminary stage was the locus standi of the plaintiff, the absence of which was vigorously argued by the government and Ms. Ibeh had the rare opportunity to represent a State Governor and Attorney General at the Federal High Court.

Her role as a female legal practitioner was manifest in the community beyond her formal employment. Gender discrimination issues are of immense magnitude in Nigeria because of pervasive cultural considerations. In some communities women are still subject to unwholesome widowhood practices and diminished rights in sundry areas of life. An accurate picture was depicted by Alyssa Qualls (discussing "Political Roles of Women" in African Postcolonial Literature in English: In the Postcolonial Web), "(F)or the most part, women in Nigeria have not attempted to rise in their male dominated society and patriarchy continues to thrive. But as time passes, women are beginning to demand some equality. Perhaps they will be able to reconcile the rights of the past with the freedoms of a modern age." Ms. Ibeh was dedicated to issues affecting women through her work in the International Federation of Women Lawyers, also known as "FIDA" (a popular acronym from the Association's original Spanish name Federacion Internationale De Abogadas). She served for four years as State Secretary of FIDA and encountered various gender discrimination problems. As Secretary of FIDA she coordinated free legal representation for oppressed women and helped organize seminars to create awareness about gender discrimination and human rights, as well as educate young girls on the ills of early marriage and underage child bearing.

When Ms. Ibeh moved to the United States because of marriage, she was poised to face the challenge of finding ways to make an impact in an unfamiliar environment. She soon discovered with some research that she could not immediately resume the practice of law in her location because different states have different rules on the use of foreign law degrees. A few states like New York and

California, she found out, would allow lawyers from British common law countries to sit for bar examinations without further law school education, while other states including South Carolina require a given minimum attendance at law school. While she waited for the right time to pursue her dreams in legal practice, Ms. Ibeh began to work on a Masters degree in Criminal Justice. She worked in Corrections and Substance Abuse Counseling and continues to work as an adolescent counselor even after her decision to join the historic first class of the Charleston School of Law. She described her choice of Charleston School of Law as "ideal because of the rich legal tradition on which the school is founded, and also because of the school's emphasis on public service." She eagerly awaits the opportunity to utilize her vast legal experience in a different society, after studying the American legal system at the Charleston School of Law.



Pamela, Chuck, Joseph and Michael Ibeh

Ms. Ibeh is married to an industrial engineer and lives with her family in Orangeburg, South Carolina. While she makes new friends to broaden her experience of her new community, Ms. Ibeh maintains her cultural affiliation by involvement with the local Nigerian population. She is the current secretary of the Association of Nigerians in Orangeburg.

Her hobbies include playing tennis with friends and watching movies. She teaches Sunday school at her local church and regularly sings in the choir. She also volunteers at a local homeless shelter and bemoans her inability to make regular visits because of her current schedule.

Marta Joy Borinsky is the Charleston School of Law's Director of Career Services.

Ms. Borinsky re-ceived her B.A. from the University of Pennsylvania. She obtained her J.D. from the University of Virginia School of Law and her M.A. from the University of Virginia in Legal History. Before joining the Charleston School of Law, she practiced law in the areas of energy, trademark, and international boundary dispute with LeBoeuf, Lamb, Greene & MacRae in Washington, DC.

THE NATIONAL ASSOCIATION OF WOMEN LAWYERS

Invites you to attend its 2005 Annual Meeting in Chicago, Illinois, August 4 to August 7, 2005

In conjunction with the Annual Meeting of the American Bar Association

Annual Lunch and Presentation of Arabella Babb Mansfield Award to

Judge Ann Claire Williams

U.S. Court of Appeals for the Seventh Circuit

Co-Hosted by:

National Association of Women Judges
National Conference of Women's Bar Associations
Black Women Lawyers Association, Chicago
Women's Bar Association of Illinois
Chicago Bar Association, Women's Alliance

Date: Friday, August 5, 2005, 12:15 pm to 1:45 pm

Location: Intercontinental Hotel, Chicago

Other Annual Events:

NAWL General Assembly, August 4 from 4 to 5 pm
NCWBA Annual Summit, August 5 at Intercontinental Hotel
Programs co-sponsored with ABA Committees
on issues affecting women in the law

***NAWL Annual Lunch*: Individual tickets are $75. Sponsorships are Platinum ($1200) and Gold ($900).** Each Platinum sponsor will receive tickets for a ten-person table, preferred seating, and recognition in printed programs, signs and during the luncheon itself. Each Gold sponsor will receive tickets for a ten-person table and recognition in printed programs and signs.

Register at www.nawl.org or complete and return the Registration Form below!

Name:_____ **Email:** _____

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Individual Ticket @ $75.00 each ❑

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❑ **Check: Make payable to National Association of Women Lawyers, and send to American Bar Center, MS 15.2, 321 North Clark Street, Chicago, IL 60610.**

NAWL Meetings

NAWL Annual Award Luncheon, August 5, 2005 in Chicago, 12:15-1:45PM, Intercontinental Chicago, Grand Ballroom, 505 North Michigan Avenue. $75.00 per ticket. Register online at www.nawl.org.

NAWL General Assembly: August 4, 2005, 4:00-5:00 PM, Chicago, IL

Recent NAWL Programs

NAWL presented a Transitions Program for Law Students entitled "From Backpack to Briefcase" at the Chicago law firm of McDermott Will & Emery on April 1, 2005 and also at the New York law firm of Kaye Scholer on April 8, 2005. The complimentary transitions program for law students is part of a broader professional development series created by NAWL entitled "Taking Charge of Your Career", which is designed to advance women attorneys within the legal field.

Upcoming NAWL Programs

Taking Charge of Your Career: Best Practices for Women Lawyers & Their Firms®
May 19, 2005, Georgia State Bar Office, Atlanta, GA
8:00 a.m. to 2:00 p.m.
Join us for the fourth program in our nationwide series that focuses on the skills and information needed for women lawyers to develop and succeed long-term in the legal profession on their own terms, enjoying satisfaction with work and career, work/life balance and personal well-being. For the Atlanta program, NAWL has invited an outstanding array of panelists drawn from a variety of professional backgrounds, who will share their knowledge and insights about the relationships, skills, and planning that are key to sustaining and thriving in your career.

Maximizing Your Potential: A Web Conference Series
Hosted by Foley & Lardner LLP
June 2005
This series of bi-monthly programs, using an innovative webcast format, functions as an adjunct to NAWL's Take Charge of Your Career seminars. Webcasts will focus on sharing information about achieving leadership opportunities, work/life balance, client development and other skills needed for women lawyers to take charge of their careers.

Civil Remedies in Human Trafficking and its Intersection with Domestic Violence
Co-Sponsored with the ABA Commission on Domestic Violence
August 6, 2005, Chicago, IL
The Commission will host this exciting and substantial program at the 2005 ABA Annual Meeting. It will include an overview of human trafficking and its connection to domestic violence, an overview of civil and criminal remedies available to survivors of trafficking and a more in depth review of immigration and tort remedies.

Women Lawyers General Counsel Institute®
November 7-8, 2005, New York, NY
The National Association of Women Lawyers has announced the first annual Women Lawyers General Counsel Institute*, to take place in New York City on November 7 and 8, 2005. The Institute is designed to facilitate the advancement of women lawyers into the top tiers of corporate law departments by offering a series of seminars and workshops on the skills and information needed to achieve the position of Chief Legal Officer. The target audience consists of senior women corporate counsel at the levels of assistant, associate and deputy General Counsel, and General Counsels of smaller companies. Various bar*

and corporate organizations are participating as co-sponsors of the Institute. Details will be posted in late Spring, but please save the date to join NAWL in New York City.

NAWL thanks all 2005 Program Sponsors

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Publications

The 6th Edition of *The National Directory of Women-Owned Law Firms and Women Lawyers* will be published in August 2005.

The deadline for submissions for the Summer Journal is June 25, 2005. The theme of the summer issue is career development.

Amicus Committee News

On March 11, 2005, NAWL signed on as *amicus* to the case of *Sandra and Roberta Cote-Whiteacre, et al v. Massachusetts Department of Public Health, et al.*, No. SJC (MA) 9463. The case challenges on equal protection grounds the state's reviving a law that has not been used in decades in order to prevent non-Massachusetts residents from marrying within the Commonwealth. The statute has been used exclusively against gay couples.

On March 31, 2005, NAWL filed an *Amicus Curiae* Brief in the domestic violence case of *Shawnna J. Hughes v. Carlos A. Hughes and State of Washington*, No. 236137 (Wash. Ct. of Appeals) with the National Network to End Domestic Violence, National Advocates for Pregnant Women, and Legal Momentum. NAWL is listed as the third *amicus*.
To view amicus briefs go to www.nawl.org.

International Law Committee News

On March 4, 2005, the United Stated bowed to global opposition at a United Nations' conference on women's equality and dropped its insistence on inserting an anti abortion amendment into a document that was then adopted unanimously. The document is a one page statement drafted for the U.N. Commission on the Status of Women to reaffirm the closing declaration of the group's meeting 10 year's ago in Beijing. The United States had proposed adding wording noting that the declaration created neither "any new international human rights" nor "the right to abortion". NAWL held NGO status at this conference. NAWL member Virginia Mueller, Sacramento, California, attended.

Member News

Lynne Anne Anderson, of Sills Cummis Epstein & Gross, P.C., has been invited to speak at Georgetown University Law Center's 23rd Annual *Employment Law and Litigation Institute: Legal Trends and Practice Strategies*. Ms. Anderson gave a presentation entitled "E-Discovery Part 1: What's Discoverable and Who Pays." Ms. Anderson has spoken on the topic of e-discovery at several other recent programs. The conference was held at the Georgetown University Law Center in Washington, D.C. from April 21, 2005 to April 22, 2005.

Tina M. Bengs of Hoeppner Wagner & Evans LLP became an Equity Partner on January 1, 2005. In addition, the last week of September 2004, she and her husband completed the adoption of two little boys (ages 10 months and 16 months) from Guatemala and brought them home safe and sound. Their two daughters (ages 8 and 6) who were adopted in the US at birth were extremely excited to finally meet their new brothers.

Susan Borinsky has recently been named the Regional Administrator of the Federal Transit Administration's (FTA's) Mid-Atlantic region, known as Region III. This area includes Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. As Regional Administrator, Ms. Borinsky directs a staff of 25 persons located in the Regional office in Philadelphia, as well as in metropolitan offices in Philadelphia and Washington, D.C. She oversees the planning, grant-making and project management of a region-wide transportation program in excess of $5 billion.

Cheryl Cesario, assistant director for the Center for Advocacy and Dispute Resolution at The John Marshall Law School, presented Report #103 to the American Bar Association's House of Delegates at the Midyear Meeting in Salt Lake City on Friday February 14, 2005. Cesario chaired the Judicial Division Lawyers Conference Committee which prepared the Report. This Report updates the 1985 Guidelines for the Evaluation of Judicial Performance for person's seeking continuation in judicial office. The ABA House of Delegates unanimously accepted the changes that will remain in place for 10 years.

Lynn Cole participated as an Arbitration judge at the Twelfth Annual Willem C. Vis International Commercial Arbitration Moot, held this March in Vienna, Austria. The goal of the Vis Arbitral Moot is to foster the study of international commercial law and arbitration for resolution of international business disputes through its application to a concrete problem of a client and to train law leaders of tomorrow in methods of alternative dispute resolution. Over 150 law schools from around the world attended this year. Approximately 100 attorneys, arbitrators and professors donated their time as Arbitrators at the competition this year. Stetson Law School, where Ms. Cole is an adjunct professor of ADR, won the competition. Lynn Cole has been assigned as Legal Liaison to Bulgaria as part of the State Department's Central European and Eurasian Law Initiative ("CEELI"). CEELI is a public service project managed by the American Bar Association that advances the rule of law in the world by supporting the legal reform process in Central and Eastern Europe, Eurasia and the Middle East. During her three-month tenure in Sophia, Ms. Cole will work with the Bulgarian Ministry of Justice and CEELI staff to finalize Bulgaria's mediation program. Bulgaria is planning to join the European Union in 2007.

Martha B. Dicus, senior staff attorney in the Charleston County Public Defender's office in South Carolina, was awarded the 2004 ABA Dorsey Award honoring one outstanding public defender or legal aid attorney nationally.

Leigh-Ann M. (Patterson) Durant has been named by the readers of *Women's Business Boston* as one of their choices for The Top 10 Lawyers in the region. In its March issue, *Women's Business Boston* published a photo of Leigh-Ann, along with a quote from a client, Dr. Diane Quibell, MD, President, WellnessMD: "Over the last few years of critical growth for our company, Leigh-Ann has demonstrated excellence in client service and an unrivalled expertise in managing all of the legal aspects of launching our business — from articles of incorporation, regulatory and HIPAA compliance issues, labor and employment, intellectual property licensing, trademarking, and more." Leigh-Ann was also named a Massachusetts "Super Lawyer" in November 2004, a listing published in *Boston* Magazine compiled after polling 37,000 attorneys across Massachusetts to vote for "the best lawyers they had personally observed in action." In that issue, she was also recognized as one of the Top 100 Female Attorneys in the state.

Heather Jefferson is a partner at the Delaware Counsel Group LLP, a women-owned law firm, which has been admitted to The National Association of Minority & Women Owned Law Firms (NAMWOLF). Ms. Jefferson remarked, "We are very pleased to be a NAMWOLF member law

firm. We believe that The Delaware Counsel Group is the only women-owned practice in Wilmington Delaware that provides counsel advising on transactions involving Delaware corporations and other alternative business entities." She said, "NAMWOLF recognizes the value of law firms owned and operated by women and minorities, and we are honored that our firm can be a part of it."

Lorelie (Lorie) S. Masters, a Partner in the Washington, D.C. office of Jenner & Block and Co-Chair of the NAWL Amicus Committee, was quoted in the *National Law Journal* in connection with her representation of NAWL in the amicus brief filed in the matter of *Town of Castle Rock, Colorado v. Jessica Gonzales* (U.S. Supreme Court). In addition, Lorie participated in a live interview on an Illinois radio station about domestic-violation issues. The case was argued on March 21, and a decision is expected by June 2005.

Elizabeth Ann "Betty" Morgan of Hunton & Williams LLP was selected by her peers from across the state of Georgia to be named a "Georgia Super Lawyer" in Intellectual Property Litigation, as revealed in the March issue of *Atlanta* magazine. More than 23,500 attorneys were invited to vote for the best lawyers they had personally observed in action. In addition, Betty Morgan was named to the prestigious list of "Top 50 Female Super Lawyers" in the same edition of *Atlanta* magazine.

Linda L. Oliver was appointed to Hogan & Hartson LLP on January 18, 2005 as a partner in the firm's communications practice group, to the newly created position of Associate Development Partner. Oliver's primary responsibility will be to supervise the implementation of the firm's individualized associate professional development program across all practice areas and offices worldwide. Oliver joined the firm's communications practice group in 1994 after a long career at the U.S. Federal Communications Commission. At Hogan & Hartson, Oliver has advised clients on regulatory matters, lobbied, conducted administrative litigation, and worked to obtain approvals for large communications industry transactions. She has also served on numerous firm committees devoted to associate welfare.

Elisabetta Pedersini, administrative and managing partner of Aaron Suero & Pedersini, has published *"International Legal Developments in Review on the Dominican Republic: 2003"* Fall 2004, Volume 38, Number 3 at The International Lawyer Bulletin (A quarterly publication for the American Bar Association (ABA) Section of International Law). Elisabetta Pedersini was also selected as one of the top Female Executives of the Dominican Republic by the International Who's Who of Professional and Business Women for the Edition 2005 - 2006.

Megan Phillips, President of the Women Lawyers' Association of Greater St. Louis, Missouri, recently received the Outstanding Achievement Award from the College of Education of the University of Missouri-Columbia, her *alma mater*. The award recognizes the accomplishments of alumni in professions other than education. Phillips practices corporate law for small businesses and non-profit companies on a part time basis. She devotes the rest of her time to volunteer work in women's advocacy and bar service.

Professor Myrna Raeder, a past president of National Association of Women Lawyers will be inducted as a member of the 2005 class of Hunter College's Alumni Hall of Fame in May. She graduated from Hunter in 1968.

Laura Spitz has been appointed Associate Professor of Law at the University of Colorado, where she will teach commercial law, bankruptcy, contracts and private international law.

Lynda Tanaka, who practices law with WeirFoulds LLP, is Chair of the Ontario Racing Commission. She has recently been awarded the designation of Chartered Arbitrator by the ADR Institute of Canada, Inc. She is also active on the Board of the Association of Racing Commissioners International where she chairs the By-laws Committee and has participated in the Merger Committee and the committee charged with the search for a new President of the ARCI.

The Women Lawyers Association of Greater St. Louis plans to conduct a survey of women lawyers to learn about their challenges and successes with regard to workplace, family, female flight, and glass ceiling issues. The St. Louis Association is adopting the NAWL Lawyers Questionnaire(c), published in 2004, which allows an employer to understand the opportunities, events and barriers that lawyers in the firm — male and female, junior and senior — experience in the course of pursuing a legal career. Information from questionnaire responses can be used as building blocks for law firms, corporations and other employers to create more effective career development policies and programs. For more information about the NAWL Lawyer Questionnaire and related material, please contact NAWL.

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Walsh Colucci Lubeley Emrich & Terpak PC
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NAWL NETWORKING DIRECTORY

PRACTICE AREA KEY

ACC	Accounting
ADO	Adoption
ADR	Alt. Dispute Resolution
ADV	Advertising
ANT	Antitrust
APP	Appeals
ARB	Arbitration
BDR	Broker Dealer
BIO	Biotechnology
BKR	Bankruptcy
BNK	Banking
BSL	Commercial/Business Lit.
CAS	Class Action Suits
CCL	Compliance Counseling
CIV	Civil Rights
CLT	Consultant
CNS	Construction
COM	Complex Civil Litigation
CON	Consumer
COR	Corporate
CRM	Criminal
CUS	Customs
DOM	Domestic Violence
EDU	Education
EEO	Employment & Labor
ELD	Elder Law
ELE	Election Law
ENG	Energy
ENT	Entertainment
EPA	Environmental
ERISA	ERISA
EST	Estate Planning
ETH	Ethics & Professional Responsibility
EXC	Executive Compensation
FAM	Family
FIN	Finance
FRN	Franchising
GAM	Gaming
GEN	Gender & Sex
GOV	Government Contracts
GRD	Guardianship
HCA	Health Care
HOT	Hotel & Resort
ILP	Intellectual Property
IMM	Immigration
INS	Insurance
INT	International
INV	Investment Services
IST	Information Tech/Systems
JUV	Juvenile Law
LIT	Litigation
LND	Land Use
LOB	Lobby/Gov Affairs
MAR	Maritime Law
MEA	Media
MED	Medical Malpractice
M&A	Mergers & Acquisitions
MUN	Municipal
NET	Internet
NPF	Nonprofit
OSH	Occupational Safety & Health
PIL	Personal Injury
PRB	Probate & Administration
PRL	Product Liability
RES	Real Estate
RSM	Risk Management
SEC	Securities
SHI	Sexual Harassment
SPT	Sports Law
SSN	Social Security
STC	Security Clearances
TAX	Tax
TEL	Telecommunications
TOL	Tort Litigation
TOX	Toxic Tort
TRD	Trade
TRN	Transportation
T&E	Wills, Trusts & Estates
WCC	White Collar Crime
WOM	Women's Rights
WOR	Worker's Compensation

The NAWL Networking Directory is a service for NAWL members to provide career and business networking opportunities within the Association. Inclusion in the directory is an option available to all members, and is neither a solicitation for clients nor a representation of specialized practice or skills. Areas of practice concentration are shown for networking purposes only. Individuals seeking legal representation should contact a local bar association lawyer referral service.

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